

Appendix D

Title 1 – Administrative Code Enforcement Procedures	D- 1
Title 14 – Water Regulations	D-10
Title 16 – Urban Pollution Controls Non-Point Source Discharge Restrictions	D-23
Title 22 – Adoption of Uniform Construction/Technical Codes Related to Construction	D-26
– Vegetation Removal	D-26
Title 28 – Development Along Creeks	D-57

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TITLE 1
General Provisions

Chapter 1.25

ADMINISTRATIVE CODE ENFORCEMENT PROCEDURES

Sections:

- 1.25.010 Purpose; Adoption of Administrative Guidelines
- 1.25.020 Applicability
- 1.25.030 Definitions
- 1.25.040 Maintaining Public Nuisances Prohibited
- 1.25.050 Abatement of Unlawful Conditions - Notice
- 1.25.060 Extensions of Time
- 1.25.070 Amount of Civil Fines
- 1.25.080 Manner of Payment - Civil Fines
- 1.25.090 Appeal of Notice of Administrative Citation
- 1.25.100 Hearing Procedures
- 1.25.110 Appeal Decision
- 1.25.120 Right to Judicial Review
- 1.25.130 Collection of Unpaid Fin

1.25.010 Purpose; Adoption of Administrative Guidelines.

- A. **Purpose.** The purpose of this Chapter is to enable the City, acting as a charter city pursuant to Article XI, Sections 5 and 7 of the state Constitution, to impose and collect civil administrative fines in conjunction with the enforcement of provisions of this Code. Notwithstanding the provisions herein, the City has and shall continue to employ the philosophy of voluntary compliance when seeking compliance with this Code. Prior to the implementation of the enforcement policies and penalties stated herein, voluntary compliance approaches shall first be used in order to educate City property owners and businesses concerning the requirements of this Code and the corrective action necessary to correct a violation of this Code, unless an immediate danger to health or safety exists.
- B. **Administrative Guidelines Approved by the City Council.** Concurrently with the adoption of the ordinance establishing this Chapter, the City Administrator shall prepare and promulgate administrative guidelines which shall, among other things, establish policies for providing appropriate and adequate warnings with respect to possible Municipal Code violations to those persons who may receive an administrative citation, to provide direction to City staff for the correct process of issuing a Notice of Administrative Citation, and to establish the proper format of the Notice of Administrative Citation and for service of that Notice in a manner consistent with the requirements of due process (hereinafter referred to as the "Administrative Guidelines"). Such Administrative Guidelines shall be adopted by a resolution of the City Council. (Ord. 5272, 2003; Ord. 5113, 1999.)

1.25.020 Applicability.

- A. **ENFORCEMENT OF THE MUNICIPAL CODE.** This Chapter makes any violation of the provisions of the Santa Barbara Municipal Code, including but not limited to all uniform construction codes adopted by reference and as amended pursuant to Chapter 22.04 of the Code, subject to administrative fines.
- B. **ADMINISTRATIVE AUTHORITY.** This Chapter establishes the procedures for the imposition, enforcement, collection, and review of civil administrative fines pursuant to California Government Code section 53069.4 and pursuant to the City's plenary police powers as a charter city.
- C. **REMEDIES NOT EXCLUSIVE.** The use of the administrative enforcement remedies provided by this Chapter is solely at the City's discretion. By adopting this Chapter, the City does not intend to limit its discretion to exercise any other remedy, civil or criminal, or other administrative procedures, for the abatement of such violations that the City may select in a particular case, including procedures for the imposition of civil or criminal penalties.
- D. **STRICT LIABILITY OF THE OWNER.** Because serious Code violations may impact public health, welfare, safety, and the adequacy and safety of housing, this Chapter is intended to impose strict civil liability upon the owners of real property (or the owner of a business where the violation is caused by or relates to the operation of a business) for all violations of the Santa Barbara Municipal Code which may occur in the City of Santa Barbara regardless of the existence of specific or general intent or prior knowledge of such violations and, further, regardless of any intent (or lack

thereof) to violate the Code. (Ord. 5272, 2003; Ord. 5113, 1999.)

1.25.030 Definitions.

The following definitions apply to the use of these terms for the purposes of this chapter:

- A. **CODE VIOLATION.** Any violation of the Santa Barbara Municipal Code.
- B. **DIRECTOR.** The City Department Head (or an expressly designated representative thereof) with responsibility for a particular title of this Code.
- C. **HEARING ADMINISTRATOR.** The person or committee appointed by the City Administrator to serve as the hearing officer or committee for administrative appeal hearings.
- D. **ISSUED.** Giving, mailing, or posting a Notice of Administrative Citation to a person where "issuance" is deemed to have occurred on the earlier of the date when a Notice of Administrative Citation is personally served on a person, the date it is mailed to a person by posting in the regular United States mail, or the date it is physically posted on real property where a property related Code violation is occurring or has occurred.
- E. **NOTICE OF ADMINISTRATIVE CITATION.** An official City Municipal Code violation notice issued to a person(s) notifying them that they are in violation of the Santa Barbara Municipal Code with respect to certain real property or the operation of a certain business. In the case of an initial notice, if the violation has not been corrected by a specified date, a civil administrative fine will be imposed. Subsequent notices regarding the same or similar type of violation, within any twelve-month period, may be cause for imposing additional administrative fines without warning.
- F. **PERSON.** Any of the following:
 - 1. An individual who causes a Code violation to occur.
 - 2. An individual who maintains or allows a Code violation to continue, by his or her action or failure to act in a lawful manner.
 - 3. An individual whose agent, employee, or independent contractor causes a Code violation by its action or failure to act in a lawful manner.
 - 4. An individual who is an owner of real property where a property related Code violation occurs.
 - 5. An individual who is an owner of a business or who is the on-site manager of a business and who normally works at the site when the business is open and is responsible for the activities at such premises.

For purposes of this subsection "person" includes a natural person or a legal entity, including but not limited to the owners, majority stockholders, corporate officers, trustees, and general partners of a legal entity. There shall be a legally rebuttable presumption that the record owner of a parcel as listed on the County's latest equalized property tax assessment rolls is the person responsible for a Code violation on such parcel. In addition, where applicable, a commercial lessee, sublessee, or operator of a business on a parcel shall be presumed responsible for Code violations

relating to the operation of the business (for example, sign ordinance violations) on that parcel. (Ord. 5272, 2003; Ord. 5113, 1999.)

1.25.040 Maintaining Public Nuisances Prohibited.

Pursuant to the authority of California Government Code section 38771 and the City Charter, any continuing violation of the Santa Barbara Municipal Code constitutes a public nuisance. Therefore, any person owning or having possession of any real property in the City of Santa Barbara who is in violation of any provision of the Santa Barbara Municipal Code may be determined to be maintaining a public nuisance provided, however, that it shall not be the intent of the City that this Chapter preempt any private nuisance right of action or any and all other legal remedies available to private parties to abate such nuisances. (Ord. 5272, 2003; Ord. 5113, 1999.)

1.25.050 Abatement of Unlawful Conditions - Notice.

- A. **INSPECTIONS.** Whenever the Director has inspected a property and finds that conditions constituting a violation of the Municipal Code exist thereon, the Director may use the procedures set forth in this Chapter to enforce the provisions of the Municipal Code as authorized by law.
- B. **NOTICE OF ADMINISTRATIVE CITATION ISSUANCE.** The Director may issue a Notice of Administrative Citation for a violation to any person or persons whom the Director deems appropriate if the Director has determined, through investigation, that a violation exists. A person to whom a Notice of Administrative Citation is issued shall be liable for and shall pay to the City the administrative fine or fines described in the Notice of Administrative Citation when due pursuant to the provision of this Chapter.
- C. **DEVELOPMENT REVIEW CONDITIONS.** Every person who applies for and receives a permit, license, or any type of land use approval (such as, but not limited to, a development review approval, a coastal development permit, a subdivision map approval, a conditional or special use permit, a zoning requirement modification, a variance, or other discretionary approval under Title 22, Title 27 or Title 28 of the Code) shall comply with all mandatory approval conditions imposed upon the issuance of the permit, license, or other such approval. If a person violates any condition of such permit, license, or similar land use approval, that person may be issued a Notice of Administrative Citation and may be held responsible for administrative fines under the provisions of this Chapter.
- D. **CONTINUING VIOLATIONS.** Each day a violation of this Code exists shall be a separate and distinct violation and may be subject to a separate administrative fine. A Notice of Administrative Citation may charge a violation for one or more days on which a violation exists and for violation of one or more applicable Code sections.
- E. **PRIOR VIOLATIONS.** The City may take into consideration the fact that a person has been previously issued a Notice of Administrative Citation when the City is determining whether to accept an application or to grant any permit, license or any similar type of land use approval for that person, and such Notice of Administrative Citation may be used as evidence that the person has committed acts that are not compatible with the health, safety, and general welfare of other persons and businesses within the City.
- F. **CONTENTS OF NOTICE.** The administrative guidelines as approved by

the City Council pursuant to Section 1.25.010 hereof shall, among other things, identify those items of information which must be contained in the Notice of Administrative Citation issued to persons and allege a violation of the Municipal Code.

- G. **SERVICE OF NOTICE.** The Notice of Administrative Citation and any amended Notice of Administrative Citation shall be served by mail, personal service, or posting in the manner provided for in the approved Administrative Guidelines.
- H. **PROOF OF SERVICE.** Proof of personal service of the Notice of Administrative Citation shall be documented as provided for in the approved Administrative Guidelines. (Ord. 5272, 2003; Ord. 5113, 1999.)

1.25.060 Extensions of Time.

If the Director receives a request from any person required to comply with a Notice of Administrative Citation, the Director may grant an extension of any fine due date and abatement deadline if the Director determines that such an extension of time will not create or perpetuate imminent danger to public health and safety. The Director shall have the authority to place reasonable conditions on such an extension. (Ord. 5113, 1999.)

1.25.070 Amount of Civil Fines.

- A. **FINE SCHEDULE.** The amount of fines for violating particular provisions of the Code shall be set in a schedule of fines adopted by resolution by the City Council concurrently with the ordinance adopting this Chapter. The schedule may include escalating fine amounts for repeat Code violations occurring within specified periods of time.
- B. **DUE DATE FOR FINES.** Fines are due on the day specified in the Notice of Administrative Citation, or, in the event of an appeal, as determined by the Hearing Administrator. (Ord. 5113, 1999.)

1.25.080 Manner of Payment - Civil Fines.

- A. **PAID BY MAIL.** Fines shall be paid to the Director within thirty (30) days of the due date. Payment shall be made by check or money order. The Director, for purposes of convenience and ease of processing, may authorize payment to be made in accordance with any other method, including designating a location within the City for such payments.
- B. **FURTHER VIOLATIONS.** Payment of an administrative fine shall not excuse the person from correcting the Code violation. The issuance of a Notice of Administrative Citation or the payment of a fine does not preclude the City from taking any other enforcement or legal action regarding a Code violation that is not corrected, including issuing additional Notices of Administrative Citation or the initiation of criminal or Superior Court civil abatement proceedings. (Ord. 5113, 1999.)

1.25.090 Appeal of Notice of Administrative Citation.

- A. **APPEAL TO HEARING ADMINISTRATOR.** Any person aggrieved by the action of the Director in issuing a Notice of Administrative Citation pursuant to the provisions of this chapter may appeal such notice to the Hearing Administrator. If no appeal is filed within ten (10) days of the date of issuance of the Notice of Administrative Citation, the order of the Director shall be deemed final.

- B. **CORRECTIONS.** Revocation of the Notice of Administrative Citation by the Hearing Administrator or voluntary abatement of the nuisance either on or prior to the Notice of Administrative Citation due date, and any authorized extensions thereto, shall cause the case to be closed.
- C. **CONTESTED APPEALS.** To appeal a Notice of Administrative Citation, the person receiving the Notice (the "appellant") shall file a signed written request following the appeal procedures outlined in the Notice of Administrative Citation. An appellant may contest the Notice of Administrative Citation by denying that a violation occurred, by denying that it was not corrected within the required correction period or, if applicable, by establishing that he or she is not the owner of the real property or the owner of the business at the time the violation should have been corrected.
- D. **RECEIPT OF AN APPEAL REQUEST.** To be effective, the appeal request must be received by the Director within ten (10) days of the date the Notice of Administrative Citation was issued. Where a request is mailed by the appellant, the request shall be deemed filed on the date received by the Director. The Director is authorized to designate an address on the Notice of Administrative Citation to which such appeal requests shall be mailed. (Ord. 5113, 1999.)

1.25.100 Hearing Procedures.

- A. **APPLICABLE HEARING ADMINISTRATOR.** The Hearing Administrator shall be designated by the City Administrator in the Administrative Guidelines.
- B. **TIME AND PLACE OF HEARINGS.** Hearings shall be conducted by the Hearing Administrator on the date, time, and place specified by the City.
- C. **APPEAL RECORDS.** The Director shall ensure that the pertinent Notice of Administrative Citation is delivered to the Hearing Administrator in sufficient time prior to the appeal hearing. Before the hearing, the Director shall also make available to the appellant a copy of any additional information concerning the Notice of Administrative Citation which will be provided to the Hearing Administrator.
- D. **PRESENTATION OF EVIDENCE.** The appellant shall be given the opportunity to testify and to present evidence relevant to the Code violation specified in the Notice of Administrative Citation.
- E. **USE OF REPORTS AS EVIDENCE.** The Notice of Administrative Citation and any other reports prepared by City staff or by the Director concerning a Code violation or attempted correction of a Code violation that are provided to the Hearing Administrator shall be accepted by the Hearing Administrator as prima facie evidence of the Code violation and the facts stated in such documents.
- F. **STAFF WITNESSES/ADDITIONAL EVIDENCE.** Neither City staff nor any other representative of the City shall be required to attend the appeal hearing, nor shall the Hearing Administrator require that there be submitted any evidence, other than the Notice of Administrative Citation, that may exist among the public records of the City with respect to the violation. However, any such appearance or submission may be made at the discretion of the Director.

- G. **CONTINUANCES.** The Hearing Administrator may continue an appeal hearing if a request is made showing good cause by the appellant or the Director. All continuance requests shall either: (1) be made in person at the hearing by the appellant or his or her representative if the appellant is physically unable to attend, or (2) be made by a written request by the Director or the appellant. If the continuance is granted, a new hearing date shall be set within thirty (30) days. If the continuance is denied, the hearing shall proceed as originally scheduled, and if the appellant is not present at the hearing, the request(s) shall be deemed abandoned in accordance with subsection I below.
- H. **RULES OF EVIDENCE.** The appeal hearing shall be conducted informally and the legal or formal rules of evidence need not be followed. The Hearing Administrator does not have the authority to issue a subpoena.
- I. **FAILURE TO APPEAR.** The failure of the appellant to appear at the hearing, unless the hearing was continued per subsection G above, shall constitute an abandonment of the appeal, and shall constitute a failure to exhaust administrative remedies concerning the violations set forth in the Notice of Administrative Citation. (Ord. 5272, 2003; Ord. 5113, 1999.)

1.25.110 Appeal Decision.

- A. **NOTICE OF DECISION.** After considering all the evidence and testimony submitted at an appeal hearing, the Hearing Administrator shall issue a Notice of Decision within ten (10) business days to either uphold or revoke the Notice of Administrative Citation based upon the Hearing Administrator's conclusion of whether a violation occurred. The Notice of Decision shall be mailed by first class and certified mail, postage prepaid, return receipt requested, to the appellant or their designated representative within one (1) business day subsequent to the Hearing Administrator's issuance of the Notice of Decision. The failure by the appellant to appear at the appeal hearing shall be noted on the Notice of Decision by the Hearing Administrator. The Hearing Administrator may reduce or cancel the amount of any administrative fine or revoke the Notice of Administrative Citation in unusual cases when extenuating circumstances make doing so appropriate and in the interest of justice. The decision of the Hearing Administrator shall be final.
- B. **PAYMENT OF FINE AFTER APPEAL DECISION.** The filing of an appeal shall suspend any fine assessed in the Notice of Administrative Citation. In the event that the Notice of Administrative Citation is revoked, the fine shall also be revoked. In the event that the Notice of Administrative Citation is upheld, the appellant shall both abate the violation(s) and pay the fine immediately. (Ord. 5272, 2003; Ord. 5113, 1999.)

1.25.120 Right to Judicial Review.

- A. **APPLICABILITY OF GOVERNMENT CODE SECTION 53069.4.** The appellant may seek judicial review of the Hearing Administrator's decision by filing a further appeal with Santa Barbara Superior Court within twenty (20) calendar days after the appellant receives a copy of the Notice of Decision, in accordance with the provisions of California Government Code section 53069.4. The appeal filed with the Court must also contain a proof of service showing a copy of the appeal was served upon the City of Santa Barbara City Attorney. The appellant must pay to the Superior Court the appropriate court filing fee when the appeal is filed.

- B. **FAILURE TO EXHAUST ADMINISTRATIVE APPEAL.** No appeal is permitted from a decision where the appellant is deemed to have abandoned the contest of the Notice of Administrative Citation by an unexcused failure to appear at the appeal hearing or by the failure to request an administrative appeal hearing before the Hearing Administrator.
- C. **FORWARDING OF RECORDS TO SUPERIOR COURT.** The City Attorney or the City Attorney's designee shall forward to the Superior Court within fifteen (15) days of the Court's request, the pertinent Notice of Administrative Citation documents for any case appealed to that Court. If the Superior Court revokes any Notice of Administrative Citation, the City will refund to the appellant the Superior Court filing fee paid by the appellant. (Ord. 5272, 2003; Ord. 5113, 1999.)

1.25.130 Collection of Unpaid Fines.

- A. **CITY REMEDIES.** The City, at its discretion, may pursue any and all legal, equitable, and administrative remedies for the collection of unpaid civil administrative fines.
 - 1. **Remedies Cumulative.** Pursuit of one remedy does not preclude the pursuit of any other remedies until the total fines owed by a person under this Chapter have been collected.
 - 2. **Refusal to Issue Permits.** A City department may refuse to accept an application for a City permit or license or to refuse to issue, extend, or renew to any person, who has unpaid delinquent fines, liens, or assessments, any city permit, license, or other City approval pertaining to the property that is the subject of a Notice of Administrative Citation and an unpaid administrative fine.
 - 3. **Suspension of Issued Permits.** Notwithstanding any other provision of the Code, any permit, license, or any type of land use approval issued by the City to a person who has unpaid administrative fines totalling \$500.00 or more which remain delinquent for thirty (30) days or longer may be suspended by the department which issued the permit or other entitlement. The suspension becomes effective ten (10) days after the date the notice of the suspension is placed by the issuing department in the United States mail, postage prepaid, addressed to the person, and continues until the administrative delinquency is paid in full. The person may request an appeal or review hearing pursuant to the specific permit, license, or other City approval procedures or ordinance if such a request is filed before the ten (10) day period ends. Continuing to operate under a suspended permit, license, or approval shall also be grounds for the Planning Commission to act pursuant to Section 28.87.360 of this Code to revoke the permit, license, or approval.
 - 4. **Criminal Remedies.** The City Attorney, at his or her discretion, may also issue a criminal citation or complaint (infraction or misdemeanor) to any person for a Code violation when the applicable fine has not been paid.
- B. **VIOLATIONS CONSTITUTE A PUBLIC NUISANCE.** The Director may pursue the remedies described in this Section whether or not the City is pursuing any other action to terminate an ongoing Code violation that was the basis for an administrative fine or to otherwise abate the violation or sanction the property owner. To compel Code compliance, the City may

also seek to collect assessed fines by means of a nuisance abatement lien or special assessment against the property where a property related violation occurred in accordance with the procedures in Government Code Sections 38773.1 and 38773.5.

C. LIEN CONDITIONS. To recover any delinquent administrative fines as a lien or special assessment on real property, the following conditions must be met:

1. The Director must submit to and receive approval from the City Council for a resolution certifying the amounts of the liens and special assessments sought to be collected from each property owner; and
2. The total amount of the delinquent fine against the property owner must be delinquent for 60 days or more.

D. LIEN COLLECTIONS. The Director is authorized to take any steps necessary to enforce collection of the lien or special assessment, including but not limited to the following:

1. Request the County Recorder to record a notice of any lien or special assessment certified by resolution of the City Council.
2. Request the County Tax Collector on behalf of the City to collect any special assessments certified by resolution of the City Council.

E. NOTICE OF LIEN COLLECTION PROCEDURES. All Notices of Administrative Citation shall contain a notice that unpaid fines are subject to the assessment and lien collection procedures of this Chapter. This notice shall satisfy the notice requirements of Government Code Sections 38773.1 and 38773.5 when a Notice of Administrative Citation is served on the person. In addition, the Director shall by first class mail send notice to each property owner at least ten (10) days before the City Council considers the resolution to certify the amounts of the liens and special assessments stating the date, time, and location of the meeting. The lien or special assessment shall be imposed on the date the Notice of Administrative Citation for the Code violation is issued to the responsible person and shall become effective upon the recording of a Notice of Lien or Special Assessment by the County Recorder.

F. CONTESTING CERTIFICATION OF A LIEN. A person may contest the amount or the validity of any lien or special assessment for a civil fine at the public hearing when the City Council considers the resolution to certify the liens or assessments. Such contests shall be limited to the issue of the amount or validity of the lien or assessment and may not consider whether the underlying Code violation occurred. Pursuit of such a contest by a person is necessary to exhaust the administrative remedies concerning a legal challenge to the validity of any such lien or special assessment. (Ord. 5113, 1999.)

TITLE 14

Water and Sewers

Chapter 14.20

WATER REGULATIONS

Sections:

14.20.005	Use of Water
14.20.007	Prohibition Against Waste of Water
14.20.010	Wasting Water - Repairs - Required
14.20.040	City's Relation to Seepage, Etc. - Damage on Private Property
14.20.050	Who May Turn on Water
14.20.060	Preventing Access to Water System Outlets
14.20.070	Consumer Precautions in Case of Fire
14.20.080	Right of Access to Water Meters
14.20.090	Access to Meters Inside Premises
14.20.100	Shutting Off Water for Repairs, Etc., and Notice
14.20.105	Shutting Off Irrigation Meters
14.20.108	Place of Use of Water
14.20.110	Tanks Required for Steam Boilers
14.20.120	Check Valves and Anti-Backflow Devices
14.20.140	Illegal Consumption Shown by Meter
14.20.150	Reconnection Generally
14.20.160	Frontage Premises to be Separately Connected - Exception
14.20.170	Notice Upon Vacating Premises - Required
14.20.180	Department to Read Meter on Receipt and Stop Service
14.20.190	Rules and Regulations to be Established by Health Officer
14.20.200	Illegal Connections
14.20.210	Illegal Connection - Denial of Water from Public Water Supply
14.20.215	Water Use Regulations During Drought Conditions
14.20.225	Violations
14.20.226	Penalties and Charges
14.20.227	Notice of Violation – Hearing

14.20.005 Use of Water.

The use of all water obtained by or through the distribution facilities of the City shall be governed and controlled by the provisions of this Chapter. (Ord. 4558, 1989.)

14.20.007 Prohibition Against Waste of Water.

It shall be a violation of this Chapter for any consumer or account holder to waste any water obtained from or through the distribution facilities of the City. (Ord. 4558, 1989.)

14.20.010 Wasting Water - Repairs - Required.

Each and every consumer shall maintain in good order all his water pipes, faucets, valves, plumbing fixtures or any other appliances, at all times, to prevent waste of water. (Ord. 2931 §2(part), 1963; prior Code §44.30.)

14.20.040 City's Relation to Seepage, Etc. - Damage on Private Property.

The City shall in no way whatsoever be responsible for any damage to person or property because of any leakage, breakage or seepage from or accident or damage to any meter or pipe situated within any private premises. The City shall not be responsible for any leakage, breakage or seepage from or accident or damage to any meter or pipe situated within any private premises. The City shall not be responsible for any leakage, breakage or seepage from any pipe situated between any meter properly installed at the curb and the private premises served thereby. The City shall not be responsible for or on account of any damage, injury or loss occasioned directly or indirectly by the existence of any meter or pipe situated upon private property. (Ord. 2931 §2(part), 1963; prior Code §44.33.)

14.20.050 Who May Turn on Water.

No person other than an official or employee of the Public Works Department shall turn on water from the City mains without a written permit from the Director of such department. (Ord. 2931 §2(part), 1963; prior Code §44.34.)

14.20.060 Preventing Access to Water System Outlets.

No person shall place upon or about a fire hydrant, curbcock, water meter or water gate connected with the water system of the City, any object, material, debris or structure of any kind that shall prevent free access to the same at all times. (Ord. 2931 §2(part), 1963; prior Code §44.42.)

14.20.070 Consumer Precautions in Case of Fire.

In case of fire, consumers shall be required to shut off all irrigation or any steady flow of water being used when the fighting of any fire reasonably necessitates the same. (Ord. 2931 §2(part), 1963; prior Code §44.43.)

14.20.080 Right of Access to Water Meters.

Any duly authorized representative of the City shall at all times have the right of ingress to and egress from any water meter located upon a consumer's premises by way of such easement, license or right-of-way, if any, as the City may own and for such purposes as are permitted by the easement, license or right-of-way. (Ord. 4558, 1989; Ord. 4250, 1984; Ord. 2931 §2(part), 1963; prior Code §44.44.)

14.20.090 Access to Meters Inside Premises.

Where a water meter is placed inside the premises of a consumer, provision shall be made for convenient meter reading and repairing by representatives of the City, for shutting off or turning on water service, and for installation or removal of flow restricters. (Ord. 4558, 1989; Ord. 4250, 1984; Ord. 2931 §2(part), 1963; prior Code §44.45.)

14.20.100 Shutting Off Water for Repairs, Etc., and Notice.

The City reserves the right to shut off the water from any premises, or from any part of the distribution system, as long as necessary, without notice to the consumer, at any time when the exigencies of the occasion may require it; but in all cases of extension or connections the Department shall notify consumers of the necessity of shutting off water and the probable length of time the water shall be shut off before taking such action. (Ord. 2931 §2(part), 1963; prior Code §44.46.)

14.20.105 Shutting Off Irrigation Meters.

The City shall have the right to shut off water service to meters restricted to irrigation uses temporarily and as necessary to determine that the use of such meters is limited to irrigation. Any person applying for service through a meter restricted to irrigation uses shall be informed of such conditions of use at the time he or she applies for such a meter. (Ord. 4558, 1989.)

14.20.108 Place of Use of Water.

Except as otherwise provided in this Title or as specifically authorized by the Director, water received from or through a meter may be used only on and for the property served by that meter. (Ord. 4558, 1989.)

14.20.110 Tanks Required for Steam Boilers.

No stationary steam boiler shall be connected directly with the water distribution system of the City but in each and every case, a suitable tank of storage capacity, sufficient for twelve (12) hours supply for such boiler, shall be provided and the service pipe supplying such tank shall discharge directly into the top of such tank. (Ord. 2931 §2(part), 1963; prior Code §44.47.)

14.20.120 Check Valves and Anti-Backflow Devices.

Whenever the Director shall consider it necessary for the safety of the water system to have an approved check valve or anti-backflow device placed on the property side of any consumer's service, such device shall thereupon be immediately installed at the expense of such consumer. If such device is not installed within ten (10) days after the Director shall order such installation, it shall be installed by the Public Works Department at such consumer's expense on the basis of cost, plus overhead. (Ord. 2931 §2(part), 1963; prior Code §44.48.)

14.20.140 Illegal Consumption Shown by Meter.

When a meter shows a consumption of water after service has been officially discontinued, the owner of the property served shall be held responsible for such consumption, in addition to which he shall pay to the City a service restoration fee and the water shall not again be turned on for either owner or tenant until such illegal consumption has been fully paid for. (Ord. 4250, 1984; Ord. 2931 §2(part), 1963; prior Code §44.50.)

14.20.150 Reconnection Generally.

After water has been shut off from any premises, it shall not again be connected until the City has received written application therefor; such application shall be on blanks furnished by the City, and shall be signed by the prospective consumer. (Ord. 4250, 1984; Ord. 2931 §2(part), 1963; prior Code §44.51.)

14.20.160 Frontage Premises to be Separately Connected - Exception.

All water furnished by the City to any structure, building, house, flat, tenement, ground floor, business room or store or any unimproved realty under one (1) ownership in or outside the City, having a street or road frontage, shall be through a separate service connection; provided, however, that where two (2) or more houses owned by the same persons are situated on one (1) lot, and have only one (1) frontage on the same street or road, such houses may be furnished with water through one (1) and the same service connection; and provided further, that each house now having a street or road frontage shall be deemed as separately connected for the purpose of the charge or collection for water furnished, and the owner shall be liable for such water so furnished any one (1) connection. (Ord. 2931 §2(part), 1963; prior Code §44.52.)

14.20.170 Notice Upon Vacating Premises - Required.

Prior to vacating any premises connected to the City water supply system, the consumer shall request that the City terminate service and prepare a final billing. (Ord. 4250, 1984; Ord. 2931 §2(part), 1963; prior Code §44.53.)

14.20.180 Department to Read Meter on Receipt and Stop Service.

Within two (2) working days of receipt of the notice required by Section 14.20.170, the City shall read the water meter and shut off the water to the premises. (Ord. 4250, 1984; Ord. 2931 §2(part), 1963; prior Code §44.54.)

14.20.190 Rules and Regulations to be Established by Health Officer.

The Health Officer of the County is hereby authorized to establish written rules and regulations, including procedures for administration, of said rules and regulations, for the protection of public water supplies.

A copy of all regulations adopted hereunder shall be filed with the City Clerk and shall be subject to rejection by the City Council within thirty (30) days of filing. Regulations rejected by the City Council shall be null and void in the City.

For the purposes of this section and Sections 14.20.200 and 14.20.210, the following definitions shall apply:

- (a) "Public Water Supply" means water which is piped to the general public for human consumption by a public water system.
- (b) "Cross-connection" means the unprotected joining of or connection between any part of a public water supply system and any material or substance that is not safe, wholesome or potable for human consumption.
- (c) "Auxiliary water supply" means any water supply other than a public water supply.
- (d) "Health Officer" means the Health Officer designated in Title 7 of the Santa Barbara Municipal Code. (Ord. 3936, §1, 1978; Ord. 2931 §2(part),

1963; prior Code §44.55.)

14.20.200 Illegal Connections.

It shall be unlawful:

- (a) to cause, establish or maintain a cross-connection within the City; or
- (b) to cause, establish or maintain an auxiliary water supply on any premises or property which obtains water from a public water supply unless the public water supply is protected by a method approved by the Health Officer of the County; or
- (c) to cause, establish or maintain a connection to the public water supply on any premise or property on which any material dangerous to health or toxic substance is handled under pressure, unless the public water supply is protected by an air-gap separation or other method approved by the Health Officer of the County; or
- (d) to cause, maintain or establish any use of a public water supply in violation of regulations established by the Health Officer of the County pursuant to Section 14.20.190. (Ord. 3936 §1, 1978; Ord. 2931 §2(part), 1963; prior Code §44.56.)

14.20.210 Illegal Connection - Denial of Water from Public Water Supply.

Water service from the public water supply shall be discontinued by the Public Works Department upon any premises upon which there is any use or connection prohibited by Section 14.20.200 and such service shall not be restored until such violation is abated. The Health Officer of the County shall notify the Director of Public Works of the prohibited use or connection. (Ord. 3936 §1, 1978; Ord. 2931 §2(part), 1963; prior Code §44.57.)

14.20.215 Water Use Regulations During Drought Conditions.

- A. **STAGE TWO DROUGHT CONDITION.** Upon adoption by the City Council of a resolution declaring a Stage Two Drought Condition and for as long as that condition exists, the following water use regulations, and such other regulations as may be adopted by resolution of the City Council, shall apply to all use of water, other than reclaimed wastewater, that is provided by the City water supply system.
 - 1. The use of running water from a hose, pipe, or faucet for the purpose of cleaning buildings and paved, tile, wood, plastic or other surfaces shall be prohibited, except in the event the Director determines that such use is the only feasible means of correcting a potential threat to health and safety.
 - 2. All restaurants that provide table service shall post, in a conspicuous place, a Notice of Drought Condition as approved by the Director and shall refrain from serving water except upon specific request by a customer.
 - 3. The operation of and introduction of water into ornamental fountains and bodies of water shall be prohibited.
 - 4. Operators of hotels, motels, and other commercial establishments offering lodgings shall post in each room a Notice of Drought Condition as approved by the Director.

5. Any use of water that causes runoff to occur beyond the immediate vicinity of use shall be prohibited.
 6. The use of potable water for cleaning, irrigation and construction purposes, including but not limited to dust control, settling of backfill, flushing of plumbing lines, and washing of equipment, buildings and vehicles, shall be prohibited in all cases where the Director has determined that use of reclaimed wastewater is a feasible alternative.
 7. Irrigation at any time from 8:00 a.m. to 6:00 p.m. of any yard, orchard, park, recreational area, or other area containing vegetation shall be prohibited.
 8. Boats and vehicles shall be washed only at commercial car washing facilities equipped with water recycling equipment or by use of a bucket and hose equipped with a self-closing valve that requires operator pressure to activate the flow of water.
- B. **STAGE THREE DROUGHT CONDITION.** Upon adoption by the City Council of a resolution declaring a Stage Three Drought Condition and for as long as that condition exists, the following water use regulations, and such other regulations as may be adopted by resolution of the City Council, shall apply to all use of water, other than reclaimed wastewater, that is provided by the City water supply system.
1. Each of the Stage Two water use regulations set forth in Subsections A.1 through A.6 of this Section shall be applicable.
 2. The introduction of water into swimming pools and spas shall be prohibited.
 3. The use of water through a meter that is restricted to irrigation uses shall be prohibited, and the City shall have the right to shut off water service to any such meter without notice to the account holder or any other person.
 4. Irrigation of any yard, orchard, park, recreational area, or other area containing vegetation shall be prohibited, except by means of a hand-held bucket.
 5. Boats and vehicles shall be washed only by use of a hand-held bucket or at commercial car washing facilities equipped with water recycling equipment.
- C. **EXEMPTIONS.** Exemptions to the water use regulations set forth in this Section may be granted by the Director for specific uses of water, on the basis of hardship and in accordance with such guidelines for exemptions as the City Council may adopt. A denial of a request for an exemption may be appealed to a review committee consisting of the Director, the Parks Director or his designated representative, one member of the Board of Water Commissioners appointed by the Board, and such other persons, if any, as the City Council may appoint. The decision of the review committee shall be final.
- D. Upon the declaration of and during a Stage Three Drought Condition, the failure of a mobilehome park owner to introduce water into a swimming pool or spa located in a mobilehome park, in accordance with the requirement of Paragraph B.7 of this Section, shall not be considered an

increase in "rent" for purposes of Municipal Code Section 26.08.030.N. (Ord. 4558, 1989.)

14.20.225 Violations.

- A. Any failure to comply with a provision of this Chapter shall constitute a violation, regardless of whether the failure to comply is caused by an account holder, a consumer or any other person or entity.
- B. Where the failure to comply is continuing and intentional, each successive hour of such failure to comply shall be a separate and distinct violation. (Ord. 4558, 1989.)

14.20.226 Penalties and Charges.

A. The following penalties shall apply to any violation of any provision of this Chapter:

- 1. For the first violation within the preceding twelve (12) calendar months, the Director shall issue a written notice of the fact of such violation.
 - 2. For a second violation within the preceding twelve (12) calendar months, the Director shall impose a surcharge against the account holder for the property where the violation occurred or is occurring, in an amount not to exceed two-hundred and fifty dollars (\$250.00).
 - 3. For a third violation within the preceding twelve (12) calendar months, the Director:
 - a. Shall impose a surcharge against the account holder for the property where the violation occurred or is occurring, in an amount not to exceed two-hundred and fifty dollars (\$250.00); and
 - b. May install a flow restricter on the service where the violation occurred or is occurring, for a period to be determined by the Director.
 - 4. For a fourth and any subsequent violation within the preceding twelve (12) calendar months, the Director:
 - a. Shall impose a surcharge against the account holder for the property where the violation occurred or is occurring, in an amount not to exceed two-hundred and fifty dollars (\$250.00); and
 - b. May install a flow restricter on or shut off water service to the property where the violation occurred or is occurring, for a period to be determined by the Director.
- B. If a flow restricter is installed or water service shut off pursuant to Subsection A of this Section, prior to restoration of normal water service the account holder whose service is affected shall be required to reimburse the City for whatever cost it has incurred and will incur in installing and removing a flow restricter and in shutting off and turning on water service.
- C. Any surcharge imposed pursuant to this Section shall be added to the account of the account holder for the property where the violation occurred or is occurring and shall be due and payable on the same terms and subject to the same conditions as any other charge for regular water

service. The maximum amount of surcharges which an account holder may be required to pay during any twelve-month period shall be one thousand dollars (\$1,000.00).

- D. Nothing in this Chapter shall limit or be construed to limit the right of an account holder to seek reimbursement of a surcharge from a tenant or other consumer. (Ord. 4558, 1989.)

14.20.227 Notice of Violation - Hearing.

- A. For each violation of this Chapter, the Director shall give notice as follows:

1. By sending written notice through the U.S. mail to the account holder for the property where the violation occurred or is occurring, at the current billing address shown in the City's water billing records; and
2. By personally giving written notice thereof to the person who committed the violation or by leaving written notice with some person of suitable age and discretion at the property where the violation occurred or is occurring; or
3. If neither the person who committed the violation nor a person of suitable age and discretion can be found, then by affixing written notice in a conspicuous place on the property where the violation occurred or is occurring.

- B. Any written notice given under this Section shall contain a statement of:

1. The time, place and nature of the violation;
2. The person(s) committing the violation, if known;
3. The provision(s) of this Chapter violated;
4. The possible penalties for each violation;
5. The account holder's right to request a hearing on the violation and the time within which such a request must be made; and
6. The account holder's loss of the right to a hearing in the event the account holder fails to request a hearing within the time required.

- C. Any account holder provided a notice of violation in accordance with the provisions of this Chapter shall have the right to request a hearing. The request must be made in writing and must be received by the Director within ten (10) calendar days of the date of the notice of violation. The Director shall conduct the hearing, at which both written and oral evidence may be presented, and shall decide whether a violation occurred and the appropriate penalty. In determining the appropriate penalty, the Director shall consider whether the account holder knew of the violation at the time it occurred and whether he or she took reasonable action to correct the violation upon notification of it. In addition, the Director shall exercise his discretion in accordance with such guidelines as the City Council may adopt by resolution.

1. For a first or second violation within a twelve (12) month period, the decision of the Director shall be final.
2. For a third or subsequent violation within a twelve (12) month period,

the account holder shall have the right to appeal the decision of the Director by requesting a hearing before the Board of Water Commissioners ("Board"). The request for hearing before the Board shall be in writing and shall be delivered to the Director not later than seven (7) calendar days after the date of the decision of the Director. At the hearing, the Board may receive and hear both written and oral evidence and shall have the authority to affirm, reverse, or modify the decision of the Director. The decision of the Board shall be final.

Chapter 14.56

NATURAL WATERCOURSES AND STORM DRAIN SYSTEM

Sections:

- 14.56.010 Definitions.
- 14.56.020 Watercourses - Obstructions, Etc., by Matter Unlawful.
- 14.56.030 Allowing Rubbish, Garbage, Debris, Etc. to Obstruct.
- 14.56.040 Fill Material.
- 14.56.050 Obstruction, Etc., by Buildings, Etc.
- 14.56.060 Duties of Street Superintendent.
- 14.56.070 Connecting with City Drain System - Permit Required.
- 14.56.080 Connection Permit - Plan Required - Exception to Plan Requirement.
- 14.56.090 Connection Permit - Issuance Generally.
- 14.56.100 Issuance of Permit Not an Assumption of Liability, Etc., by City.
- 14.56.120 Installing Pipe, Etc., in Intermediate Watercourses - Permit Required.
- 14.56.130 Installation Permit - Plan, Etc., Required.
- 14.56.140 Inspection - Approval Generally.
- 14.56.150 Approval Not a Guarantee.
- 14.56.180 Design, Etc., Standards.
- 14.56.190 Enforcement of Chapter

14.56.010 Definitions.

As used in this chapter the following terms shall have the meanings respectively ascribed to them by this section:

- (1) "City storm drain system" means all pipes, structures and street appurtenances located within public right-of-way or easements and designed for the purposes of carrying storm waters.
- (2) "Watercourse" means a creek, arroyo, gulch, wash and the bed thereof whether containing water or dry. It shall also mean a natural swale or depression which contains and conveys surface water during or after rain storms. (Prior Code §37.63.)

14.56.020 Watercourses - Obstructions, Etc., by Matter Unlawful.

It shall be unlawful for any person to dump or place, or to permit to be dumped or placed, deposited, maintained or accumulated in any watercourse, on public or private property, within the corporate limits of the City, or in the City's storm drain system, any debris, garbage, rubbish, trash, brush, timber, waste products or any combustible or incombustible material or commodity whatsoever, which obstructs, prevents, diverts or tends to obstruct, prevent or divert, the normal, natural or ordinary flow of water in such watercourse or storm drain system or which at any time may be in such watercourse or storm drain system. (Ord. 2931 §2(part), 1963; prior Code §§37.64, 44.58(part).)

14.56.030 Allowing Rubbish, Garbage, Debris, Etc. to Obstruct.

It shall be unlawful for any person owning or having control or possession of all, or any part of any watercourse on private property within the corporate limits of the City, to permit, maintain, retain or allow to remain in any such watercourse, or any part thereof, any debris, garbage, rubbish, trash, brush, timber, waste products, or any combustible or incombustible material or commodities whatsoever, which obstructs, prevents, diverts or tends to obstruct, prevent or divert the normal, natural or ordinary flow of water in such watercourse, or which at any time may be in such watercourse whether or not the same has been previously dumped, placed, deposited, maintained or accumulated therein by reason of any act or omission of such person, or by anyone else with or without the knowledge, consent or permission of such person, and regardless of the cause or reason for the existence of the same in such watercourse. (Ord. 2931 §2(part), 1963; prior Code §§37.64, 44.58(part).)

14.56.040 Fill Material.

The placement of any fill material in any natural watercourse without provision for drainage conduit of adequate size and strength to replace the existing natural watercourse capacity, so as to provide sufficient capacity for storm waters of the contributing drainage area and so as to withstand the fill and building loads which may be placed thereon, shall be considered an unlawful obstruction of a natural watercourse. (Prior Code §37.65.)

14.56.050 Obstruction, Etc., by Buildings, Etc.

It shall be unlawful for any person to construct or maintain, or to permit to be constructed or maintained, in any watercourse, on public or private property, within the corporate limits of the City, any building or structure which obstructs, prevents or diverts, or tends to obstruct, prevent or divert the normal, natural or ordinary flow of water in such watercourse, or which at any time may be therein, in such manner as to endanger, or tending to endanger public property, including

bridges, roads, buildings, structures or facilities, or the land crops, buildings or structures of other persons. (Ord. 2931 §2(part), 1963; prior Code §§37.66, 44.59.)

14.56.060 Duties of Street Superintendent.

It is the duty of the Street Superintendent to enforce all of the provisions of this chapter. (Ord. 2931 §2(part), 1963; prior Code §44.60.)

14.56.070 Connecting with City Drain System - Permit Required.

It shall be illegal for any person to connect any drainage pipe to the City storm drain system, without obtaining a permit therefor from the Public Works Director. (Prior Code §37.67.)

14.56.080 Connection Permit - Plan Required - Exception to Plan Requirement.

Such permit as required by Section 14.56.070 shall be issued only after submission of a plan prepared and signed by a licensed civil engineer showing the size, type, length and location of the drainage structures to be connected to the City's storm drain system, the type and height of fill, if any, to be placed thereon, the type of connection to be made to the City's storm drain system, including provision for access thereto, if any, which plan shall be accompanied and supported by necessary drainage area data and calculations. The Public Works Director is hereby authorized to waive the provisions of this section where installations are of such minor nature as not to require strict enforcement hereof. In no case shall the requirement for a permit be waived. (Prior Code §37.68.)

14.56.090 Connection Permit - Issuance Generally.

The permit issued for connection to the City's storm drain system shall be based upon the data submitted, and inspection of the site, and shall be reviewed by the Public Works Department and issued only with respect to the adequacy of the proposed installation in not causing damage to the City's storm drain system and in not causing blockage of a natural watercourse. (Prior Code §37.69.)

14.56.100 Issuance of Permit Not an Assumption of Liability, Etc., by City.

The City in issuing the permit under Section 14.56.090 shall in no way assume responsibility or liability for the plan, installation or performance of any drainage facility installed by the permittee. (Prior Code §37.70.)

14.56.120 Installing Pipe, Etc., in Intermediate Watercourses - Permit Required.

No pipe or other drainage structures shall be installed in such natural watercourses as carry drainage between portions of the City's storm drain system, or immediately upstream or downstream from portions of the City's storm drain system, or which constitute a part of the City's projected storm drainage system as delineated on the map adopted by resolution of the City Council and on file in the Public Works Department without first obtaining a permit from the Public Works Director to make such pipe or drainage structure installation. (Prior Code §37.72.)

14.56.130 Installation Permit - Plan, Etc., Required.

The Public Works Director, prior to issuing any permit for the installation of pipe

or drainage structures in the subject natural watercourses, shall require submission of a plan to the Public Works Department by a licensed civil engineer indicating the size, type, length, and location of the proposed installation, amount of fill, if any, to be placed thereon, the relationship of the proposed structures to existing structures in the subject watercourse or to the City's storm drain system, and any necessary data or calculations based upon the drainage area contributing to storm water flow in the subject watercourse at the location of the proposed installation. (Prior Code §37.73.)

14.56.140 Inspection - Approval Generally.

Approval of structure installation in such natural watercourses shall be based upon checking and inspection considerations in order that the installation will not block a natural watercourse and will tend not to cause damage to adjacent or planned portions of the City's storm drain system. (Prior Code §37.74.)

14.56.150 Approval Not a Guarantee.

Approval given under Section 14.56.140 shall not in any way guarantee the construction in as far as benefits or hazards which may result therefrom by the property owner or by adjacent property owners. (Prior Code §37.75.)

14.56.180 Design, Etc., Standards.

All installations to be approved and constructed pursuant to permits issued hereunder shall be designed and constructed equal to or in accord with standard specifications and materials criteria on file in the Public Works Department of the City and approved by the City Council. (Prior Code §37.78.)

14.56.190 Enforcement of Chapter.

The Public Works Department of the City is hereby empowered to enforce all of the provisions of this chapter. (Prior Code §37.79.)

- D. If an account holder fails to request a hearing before the Director or the Board within the period(s) provided in this Section, the action of the Department shall be deemed final.
- E. There shall be no installation of a flow restricter or shut off of water service until a notice of violation has become final or there is a final decision of the Director or the Board ordering installation of a flow restricter or shut-off of water service. (Ord. 4558, 1989.)

TITLE 16
Liquid and Industrial Waste Disposal

Chapter 16.15

Urban Pollution Controls
Non-Point Source Discharge Restrictions

Sections:

- 16.15.010 Water Pollution Prohibited.**
- 16.15.030 Discharges Which are Exempt from Prohibition.**
- 16.15.100 Discharge of Hazardous Substances Prohibited.**

16.15.010 Water Pollution Prohibited

No person, who does not possess a current and valid permit or agreement for the discharge, shall throw, discharge or otherwise deposit or place or cause or permit to be placed into the waters of the state or into any drain, drop inlet, conduit, or natural or artificial watercourse flowing into any storm drain, creek, lagoon or other waters of the state, any waste, infectious waste, contamination or pollution or other substance which impairs the quality of the drainage, including without limitation:

- A. any pollution or contamination or any substance, matter, or thing, liquid, solid or gas, which materially impairs the esthetics or usefulness of such water, except as may be provided for in this Chapter;
- B. any commercial or industrial waste, including, without limitation, any fuel, solvent, detergent, plastic pieces or other pellets, hazardous substances, fertilizers, pesticides, slag, ash, or sludge;
- C. any measurable quantity of heavy metals including without limitation, any cadmium, lead, zinc, copper, silver, nickel, mercury or chromium, or the elements of phosphorous, arsenic, or nitrogen;
- D. any animal feces, any animal waste or animal discharge from confinement facilities for animals, kennel, coup, pen, stable, or recreational or show facilities;
- E. any human feces, diseased matter or matter containing significant concentrations of fecal coliform, fecal streptococcus, or enterococcus;
- F. any substance having a pH of less than 6 or greater than 9;
- G. any quantity of petroleum hydrocarbons, including without limitation, any crude oil or any fraction thereof, hydrocarbon fuel, solvent, lubricants, surfactants, waste oil, coolant, or grease;
- H. any water or other solvent or substance used for commercial or industrial processing; for commercial washing of automobiles or parts of automobiles; for cleaning industrial or commercial operations or premises; for cleaning debris, waste or residue collectors; for cleaning carpets, pads, flooring or walkways; or for cleaning construction, pavement, concrete, paint or plaster;
- I. any residue or collection from portable toilets or water softeners;
- J. any water or other solvent or substance collected after the use of the substance to clean, cleanse, flush, rinse or otherwise treat any commercial or industrial premises, process or equipment, or food production;
- K. any water for swimming pools, spas or Jacuzzis; or
- L. any economic poison, toxic or hazardous material.

Any permit for such discharge must be approved by the City of Santa Barbara Public Works Director, or a California State official or U.S. Government Official having jurisdiction over such discharge. (Ord. 5087, 1998.)

16.15.030 Discharges Which are Exempt from Prohibition.

The following discharges are exempt from the prohibitions of Section 16.15.010:

- A. Uncontaminated discharges from landscape irrigation;
- B. Uncontaminated discharges from water line flushing;
- C. Uncontaminated discharges from potable water sources;
- D. Uncontaminated discharges from foundation drains;
- E. Uncontaminated discharges from footing drains;
- F. Uncontaminated discharges from air conditioning condensate;
- G. Uncontaminated discharges from irrigation water;
- H. Uncontaminated discharges from lawn watering;
- I. Uncontaminated discharges from crawl space pumps;
- J. Uncontaminated discharges from individual residential automobile washing; and
- K. Uncontaminated discharges from street washing, including sidewalk washing. (Ord. 5087, 1998.)

16.15.100 Discharge of Hazardous Substances Prohibited.

No person shall throw discharge or otherwise deposit or cause or permit to be placed into the waters of the state or into any drain, drop inlet, conduit, or natural or artificial watercourse flowing into any storm drain, creek, lagoon or other waters of the State, any quantity of hazardous substance as included or defined in California Health and Safety Code §25316, without a permit or agreement approved by the Public Works Director, a California State official or U.S. Government Official having jurisdiction over the discharge. (Ord. 5087, 1998.)

TITLE 22
Environmental Policy and Construction

Chapter 22.04 and 22.10

**ADOPTION OF UNIFORM CONSTRUCTION/TECHNICAL
CODES RELATED TO CONSTRUCTION
AND
VEGETATION REMOVAL**

Sections:

22.04	National Pollution Discharge Elimination System (NPDES) Compliance
22.10.010	Title
22.10.020	Purpose
22.10.030	Definitions
22.10.040	Permit Required - Exceptions
22.10.050	Application
22.10.055	Fees
22.10.060	Approval - Conditions
22.10.090	Severability

SECTION J111 NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) COMPLIANCE

J111.1 General. All grading plans and permits shall comply with the provisions of this section for NPDES compliance including the owner of any property on which grading has been performed and which requires a grading permit under Section J103.

J111.2 Erosion/Sedimentation Control Plan (ESCP). No grading permit shall be issued unless the plans for such work include a Erosion/Sedimentation Control Plan, that conforms to the Erosion/Sedimentation Control Policy of the City of Santa Barbara's Building & Safety Division, with details of best management practices, including desilting basins or other temporary drainage or control measures, or both, as may be necessary to control construction-related pollutants which originate from the site as a result of construction related activities. Sites which have been graded and which requires a grading permit under Section J103 are subject to penalties and fines per Section J111.4

All best management practices shall be installed before grading begins. As grading progresses, all best management practices shall be updated as necessary to prevent erosion and control constructed related pollutants from discharging from the site. All best management practices shall be maintained in good working order to the satisfaction of the Building Official unless final grading approval has been granted by the Building Official and all permanent drainage and erosion control systems, if required, are in place.

J111.4 Erosion/Sedimentation Control Plan, Effect of Noncompliance.

Should the owner fail to install the best management practices required by Section J111.2 it shall be deemed that a default has occurred under the conditions of the grading permit security. There upon, the Building Official may enter the property for the purpose of installing, by City forces or by other means, the drainage, erosion control and other devices shown on the approved plans, or if there are no approved plans, as the Building Official may deem necessary to protect adjoining property from the effects of erosion, flooding, or the deposition of mud, debris or constructed related pollutants, or the Building Official may cause the owner to be prosecuted as a violator of this Code or may take both actions. The Building Official shall have the authority to collect the penalties imposed by this section upon determining that the site is non-compliance. Payment of penalty shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work.

If the best management practices for storm water pollution prevention are not installed as prescribed in Section J111.2 and approved by the Building Official, the following penalties shall be imposed:

Grading Permit Volume Penalty:

1--10,000 cubic yards (1--7645.5 m³) = \$100.00 per day

10,001--100,000 cubic yards (7646.3--76455 m³) = \$250.00 per day

More than 100,000 cubic yards (76455 m³) = \$500.00 per day

NOTE: See Section J108 for inspection request requirements.

22.10.010 Title.

This chapter shall be known and referred to as the Vegetation Removal Ordinance of the City of Santa Barbara. (Ord. 3808 §1, 1975.)

22.10.020 Purpose.

The purpose of this chapter is to control the removal of vegetation from hillside areas of the City of Santa Barbara and areas designated as open space in the Open Space Element of the General Plan in order to prevent erosion damage, reservoir siltation, denuding, flood hazards, soil loss, and other dangers created by or increased by improper clearing activities; and to establish the administrative procedure for issuance of permits for vegetation removal. (Ord. 4043, 1980; Ord. 3808 §1, 1975.)

22.10.030 Definitions.

For the purposes of this Chapter, the following words shall have the meanings set forth herein unless the context requires a different meaning:

- A. "HILLSIDE DESIGN DISTRICT" means a parcel or a portion of a parcel which is within the Hillside Design District as defined in Section 22.68.110 of this Code.
- B. "PERSON" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number.
- C. "SITE" means any lot or parcel of land or contiguous combination thereof under the same ownership, or portion of any lot or parcel, where vegetation removal is performed or permitted.
- D. "VEGETATION" means introduced or native plants, shrubs, trees, grasses, and roots thereof. (Ord. 4878, 1994; Ord. 3808 §1, 1975.)

22.10.040 Permit Required - Exceptions.

No person may permit, cause to have done or perform vegetation removal on any site in the Hillside Design District, as defined in Section 22.10.030.A contrary to the terms of or without first having obtained a permit from the Division of Land Use Controls; except that a permit is not required for the following:

- A. Harvesting of crops, fruit or nut trees.
- B. Removal or destruction of vegetation on a site on which the total area of native vegetation removal is less than one thousand (1,000) square feet within a period of one year, and not exceeding three thousand (3,000) square feet in any five year period, if such removal or destruction of vegetation is deemed appropriate, taking into account potential siltation or pesticide contamination of creeks, drainages or water supply reservoirs, by the Chief of Building and Zoning. Removal or destruction of non-native vegetation on a site on which the total area of non-native vegetation removal is less than two thousand (2,000) square feet within a period of one year, and not exceeding six thousand (6,000) square feet in any five year period, if such removal or destruction of vegetation is deemed appropriate, taking into account potential siltation or pesticide contamination of creeks, drainages or water supply reservoirs, by the Chief of Building and Zoning. Removal or destruction of native or non-

native vegetation will not be subject to a Vegetation Removal Permit if the Applicant can show that the average slope of the removal site and access to the removal site is less than twenty percent (20%).

- C. The removal or destruction of vegetation performed, caused to be performed, required to be performed, or approved by a fire prevention agency having jurisdiction including but not limited to weed abatement, clearance around a building or structure, fuel breaks, fire breaks and controlled burns, except that when new construction is proposed in the Hillside Design District and clearance will be required around the new construction under the Uniform Fire Code, a Vegetation Removal Permit shall be required unless the applicant can show that the vegetation removal meets the exception set forth in Paragraph B above.
- D. The removal or destruction of vegetation by public utilities on existing rights-of-way or property owned by such utility or existing access rights-of-way to such utility rights-of-way or property.
- E. The removal or destruction of vegetation by public agencies on publicly owned property or rights-of-way for trails, roads, highways, streets, flood control projects or other similar or related public uses.
- F. The removal or destruction of vegetation in connection with work performed under a valid grading permit issued pursuant to the provisions of Chapter 22.06 of the Municipal Code (Grading Ordinance) when the work includes precautionary measures to control erosion and flood hazards during the prosecution of such work as well as upon completion thereof and all conditions set forth in Section 22.10.060 of this Chapter have been met. (Ord. 4878, 1994; Ord. 4043, 1980; Ord. 3808 §1, 1975.)

22.10.050 Application.

Prior to the removal or destruction of vegetation covered by this chapter, the owner or person in control of a site, or the agent of either one, shall submit a written application on forms prescribed and provided by the Division of Land Use Controls of the City of Santa Barbara, properly filled in. Said forms when completed shall at a minimum describe the proposed location, method, purpose, and duration of the vegetation removal and the anticipated impact on flood hazards, erosion, soil loss, reservoir siltation, sedimentation and water quality. No application shall be considered complete until the data requested by the application form is submitted to the Division of Land Use Controls, and an Environmental Assessment, if required, has been completed. (Ord. 4043, 1980; Ord. 3808 §1, 1975.)

22.10.055 Fees.

Application and permit fees shall be established by resolution of the City Council. There shall be a fee for filing of an application which is intended to cover the costs of processing the application and is not refundable. In addition, there shall be a separate fee for the permit that is issued. Any person who shall commence work for which a permit is required under this chapter without first having obtained a required permit, shall, if subsequently permitted to obtain a permit, pay fees in the amount of five (5) times the required fees as established by resolution. (Ord. 4043, 1980.)

22.10.060 Approval - Conditions.

The Division of Land Use Controls shall issue a permit approving the proposed vegetation removal when satisfied that the performance of the work will not be

likely to create new or increase existing flood, erosion, soil loss, reservoir siltation, sedimentation or water quality hazards, and the proposed work conforms with the requirements of all applicable laws and rules and regulations adopted pursuant thereto. No such permit shall be issued unless it has been approved by the Architectural Board of Review or the Historic Landmarks Commission if it is in a Landmarks District.

A. The Community Development Department may impose such conditions on the issuance of a permit as are deemed reasonably necessary to avoid creating new or increasing existing flood, erosion, soil loss, reservoir siltation, sedimentation or water quality hazards. These conditions may include, but shall not be limited to, the following:

1. A requirement that certain protective structures or devices be installed in or adjacent to drainage courses to control downstream transportation of silt or debris;
2. The methods to be used in the removal or destruction of vegetation and the sequence of such operations;
3. A requirement that portions of the area cleared which are not necessary for prompt use for crops or trees be planted with approved grasses or other plants to provide protection against erosion damage.

B. Each permit issued shall contain the following conditions:

1. Vegetation removal shall be prohibited from November 1 to April 15 of any year unless effective and specific erosion control measures approved by the Division of Land Use Controls are in place.
2. Removal of any native vegetation in the one hundred (100) year flood zone of any creek or drainage shall be prohibited except as required for flood control purposes or to restore native habitat.
3. **Soil Suitability.** Site specific agricultural soil tests shall be required on all very low suitability land planned for orchard crop production in order to determine the viability of that land for such crops prior to the issuance of any land use permits as set forth in Administrative Guidelines approved by resolution of City Council. Agricultural use shall not be allowed on land with non-viable soils including soils that are shown to have a very high erosion hazard potential or which qualify as Class VIII soils as defined by the United States Department of Agriculture Soil Conservation Service.
4. **Avocado Root Rot.** Where a property is or is proposed to be planted with avocados in an area which is shown to have a very high root rot hazard, a three (3) to six foot (6') fence, wall or other suitable barrier shall be installed in order to prevent the spread of Avocado Root Rot.
5. **Minimization of Soil Erosion.** A mixture of Blando Brome and Zorro Fescue shall be seeded in all cleared orchard areas between October 1 and November 15. Seeds shall be hand broadcast at a rate of eight (8) pounds per acre and shall be covered by one-half ($\frac{1}{2}$) to one (1) inch of soil. Mowing shall occur after the seeded grass has matured in the Spring in order to allow for continued perpetuation.
6. **Oak Tree Removal.** Any oak tree with a minimum trunk diameter of four inches (4") measured four feet (4') from the base of the trunk removed shall be replaced by five (5) oak trees of the same species

elsewhere on the lot. Replaced oak trees shall be effectively maintained.

7. **Habitat Protection.** Removal of any native vegetation in the one hundred (100) year flood zone of any creek or drainage is prohibited, except as required for flood control purposes. In addition, vegetation removal shall be prohibited in any area that is determined to be a Southern Oak Woodland, Riparian or Bunchgrass habitat by a qualified biologist.
8. Land clearing that involves noise generation greater than 60 dB(A) at the property line adjacent to any school or other educational facility shall not occur during hours when classes are in session. (Ord. 4878, 1994; Ord. 4043, 1980; Ord. 3808 §1, 1975.)

22.10.090 Severability.

If any portion of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application thereof to other persons or circumstances shall not be affected thereby. (Ord. 3808 §1, 1975.)

Chapter 22.24

FLOOD PLAIN MANAGEMENT

Sections:

- 22.24.010 Findings of Fact
- 22.24.020 Statement of Purpose
- 22.24.030 Methods of Reducing Flood Losses
- 22.24.040 Definitions
- 22.24.050 Lands to Which This Chapter Applies.
- 22.24.060 Basis for Establishing the Areas of Special Flood Hazard
- 22.24.070 Compliance
- 22.24.080 Abrogation and Greater Restrictions
- 22.24.090 Interpretation
- 22.24.100 Warning and Disclaimer of Liability
- 22.24.110 Establishment of Development Permit
- 22.24.120 Designation of the Chief of Building and Zoning
- 22.24.130 Duties and Responsibilities of the Chief of Building and Zoning
- 22.24.140 Variance and Appeal Procedure
- 22.24.150 Conditions for Variances
- 22.24.160 General Standards for Flood Hazard Reduction
- 22.24.170 Coastal High Hazard Areas
- 22.24.180 Floodway

22.24.010 Findings of Fact.

- A. The flood hazard areas of the City of Santa Barbara are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.020 Statement of Purpose.

It is the purpose of the chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To insure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.030 Methods of Reducing Flood Losses.

In order to accomplish its purposes, this Chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.040 Definitions.

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

- A. **APPEAL.** A request for a review of the Chief of Building and Zoning's interpretation of any provision of this Chapter or a request for a variance.
- B. **AREA OF SHALLOW FLOODING.** An area designated AO, AH or VO Zone on the Flood Insurance Rate Map (FIRM) and as to which the base flood depths range from one to three feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident.
- C. **AREA OF SPECIAL FLOOD HAZARD.** See "Special flood hazard area".
- D. **BASE FLOOD or 100 YEAR FLOOD.** A flood having a one percent (1%) chance of being equalled or exceeded in any given year.
- E. **BASEMENT.** An area of a building having its floor subgrade (below ground level) on all sides.
- F. **BREAKAWAY WALLS.** Any type of wall, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which (i) is not part of the structural support of the building; (ii) is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building or to any buildings to which they might be carried by flood waters; (iii) has a safe design loading resistance of not less than ten and no more than twenty pounds per square foot; and (iv) has been certified for use in the building by a registered engineer or architect and meets the following standards:
 - 1. Breakaway wall collapse will result from a water load less than that which would occur during the base flood; and
 - 2. The elevated portion of the building will not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.
- G. **COASTAL HIGH HAZARD AREA.** An area subject to high velocity waters, including coastal and tidal inundation or tsunamis and designated on a Flood Insurance Rate Map (FIRM) as Zone V1-V30, Ve or V.
- H. **DEVELOPMENT.** Any man-made change to improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- I. **FLOOD or FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of flood waters;
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source; or
 - 3. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as

defined in this definition.

- J. **FLOOD BOUNDARY AND FLOODWAY MAP.** The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.
- K. **FLOOD INSURANCE RATE MAP (FIRM).** An official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- L. **FLOOD INSURANCE STUDY.** An official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
- M. **FLOODPLAIN or FLOOD-PRONE AREA.** Any land area susceptible to being inundated by water from any source (see definition of "flooding").
- N. **FLOODPLAIN MANAGEMENT.** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.
- O. **FLOODPLAIN MANAGEMENT REGULATIONS.** Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinances, grading ordinances and erosion control ordinances) and other applications of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
- P. **FLOODPROOFING.** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- Q. **FLOODWAY or REGULATORY FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that must be preserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- R. **FUNCTIONALLY DEPENDENT USE.** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes vessel docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.
- S. **HIGHEST ADJACENT GRADE.** The highest undisturbed elevation of the ground surface prior to construction next to the proposed walls of a structure.
- T. **LOWEST FLOOR.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided, that such enclosure is not built so as to render the structure in violation of the

applicable non-elevation design requirements of this chapter.

- U. **MANUFACTURED HOME.** A structure, transportable in one or more sections, which is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.
- V. **MANUFACTURED HOME PARK or SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.
- W. **MEAN SEA LEVEL.** The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
- X. **NEW CONSTRUCTION.** A structure for which the "start of construction" occurred on or after the effective date of this Chapter, or any applicable amendment thereto.
- Y. **ONE HUNDRED YEAR FLOOD.** See "base flood".
- Z. **PERSON.** An individual, firm, partnership, association or corporation, or agent of the foregoing, or this state or its agencies or political subdivisions.
- AA. **REMEDY A VIOLATION.** To bring a structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance by various means, including but not limited to, protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.
- BB. **RIVERINE.** Relating to, formed by, or resembling a river (including tributaries), stream, or brook.
- CC. **SAND DUNES.** Naturally occurring accumulations of sand in ridges or mounds landward of the beach.
- DD. **SPECIAL FLOOD HAZARD AREA (SFHA).** An area having special flood or coastal high hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, VO, V1-V30, VE or V.
- EE. **START OF CONSTRUCTION.** The date the building permit was issued, provided the actual start of construction was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation pursuant to a valid building permit. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure.

FF. **STRUCTURE.** A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

GG. **SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, or improvement of a structure within any twenty four (24) month period, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

HH. **VARIANCE.** A grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this Chapter.

II. **VIOLATION.** The failure of a structure or other development to be in full compliance with this Chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Chapter is presumed to be in violation until such time as that documentation is provided. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.050 Lands to Which This Chapter Applies.

This chapter shall apply to all areas of special flood hazards within the City of Santa Barbara. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.060 Basis for Establishing the Areas of Special Flood Hazard.

"The Flood Insurance Study for The City of Santa Barbara", dated May 4, 1978 and revised October 15, 1985, and December 3, 1991 and all subsequent revisions by the U. S. Federal Emergency Management Agency with accompanying Flood Insurance Rate Maps is hereby adopted by reference and declared to be a part of this Chapter. Copies of the Flood Insurance Study and maps referred to therein, shall be maintained on file at 630 Garden Street, Santa Barbara, California, and at the Office of the City Clerk, City Hall, Santa Barbara, California. The Flood Insurance Study establishes the areas of special flood hazard identified by the Federal Emergency Management Agency or the Federal Insurance Administration. These areas are the minimum area of applicability of this Chapter; their boundaries may be changed, or new areas designated by the City Council following a recommendation thereon by the Chief of Building and Zoning. (Ord. 4731, 1991; Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.070 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations. Violations of the provisions of this Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a

misdemeanor. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.080 Abrogation and Greater Restrictions.

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.090 Interpretation.

In the interpretation and application of this Chapter, all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and, deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.100 Warning and Disclaimer of Liability.

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City of Santa Barbara, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Chapter or any administrative decision made thereunder. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.110 Establishment of Development Permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard. Application for a development permit shall be made on forms furnished by the Chief of Building and Zoning and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, and drainage facilities; and the location of the foregoing. The following information is required on an application:

- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; in Zone AO or VO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures.
- B. Elevation in relation to mean sea level to which any structure has been will be floodproofed;
- C. All certifications required by Sections 22.24.130F and 22.24.160; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.120 Designation of the Chief of Building and Zoning.

The Chief of Building and Zoning is hereby appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.130 Duties and Responsibilities of the Chief of Building and Zoning.

Duties of the Chief of Building and Zoning shall include, but not be limited to:

- A. Review of all development permits to determine that the permit requirements of this Chapter have been satisfied.
- B. Review of all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- C. Review of all development permits to determine that the site is reasonably safe from flooding and will not result in flood elevations increasing more than one foot.
- D. Review of all development permits to determine if the proposed development adversely affects the flood carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this Chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.
- E. When base flood elevation data in accordance with Section 22.24.060 is unavailable, the Chief of Building and Zoning shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Section 22.24.160 pertaining to specific standards for residential and nonresidential construction.
- F. Maintain for public inspection all records pertaining to the provisions of this Chapter, including:
 - 1. The certification required in Section 22.24.160.C.1 (floor elevations);
 - 2. The certification required in Section 22.24.160.C.2 (elevations in areas of shallow flooding);
 - 3. The certification required in Section 22.24.160.C.3 (elevation or floodproofing of nonresidential structures);
 - 4. The certification required in Section 22.24.160.C.3 (wet floodproofing standard);
 - 5. The certified elevation required in Section 22.24.160.E.2 (subdivision standards);
 - 6. The certification required in Section 22.24.180.A (floodway encroachments); and
 - 7. The information required in Section 22.24.170 (coastal construction standards).
- G. Notify adjacent communities, the Santa Barbara County Flood Control and Water Conservation District, and the California Department of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. Require that the flood carrying capacity of the altered or relocated portion of the watercourse is maintained.

- H. Make interpretations as to the exact location of the boundaries of the areas of special flood hazards, (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The persons contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 22.24.140.
- I. Take action to remedy violations of this Chapter as specified in Section 22.24.070. (Ord. 4539, 1988; Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.140 Variance and Appeal Procedure.

- A. The Planning Commission of the City of Santa Barbara shall hear and decide appeals and requests for variances from the requirements of this Chapter.
- B. The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Chief of Building and Zoning in the enforcement or administration of this Chapter.
- C. The applicant or any interested person may appeal the decision of the Planning Commission to the City Council in accordance with the procedures provided in Section 1.30.050 of this Code.
- D. In reviewing such application, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter, and each of the following:
 - 1. The danger that materials may be swept onto other lands to the injury of others.
 - 2. The danger to life and property due to flooding or erosion damage.
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - 4. The importance of the services provided by the proposed facility to the community.
 - 5. The necessity to the facility of a waterfront location, where applicable.
 - 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
 - 7. The compatibility of the proposed use with existing and anticipated development.
 - 8. The relationship of the proposed use to the General Plan and Flood Plain Management Program for that area.
 - 9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
 - 11. The costs of providing governmental services during and after flood

conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

- E. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items identified in Paragraph D have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- F. Upon consideration of the factors identified in Paragraph D and the purposes of this Chapter, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- G. The Chief of Building and Zoning shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. (Ord. 5136, 1999; Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.150 Conditions for Variances.

- A. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided the provisions of Section 22.24.140D are satisfied and that the structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. Variances shall only be issued upon:
 - 1. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - 2. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 22.24.140.D, or conflict with existing local laws or ordinances.
- F. An applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the Chief of Building and Zoning in the office of the Santa Barbara County Recorder in a manner so that it appears in the chain of title of the affected parcel of land. (Ord. 4522, 1988, Ord. 3972, 1978.)

22.24.160 General Standards for Flood Hazard Reduction.

In all areas of special flood hazards the following standards shall apply:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All manufactured homes shall be securely anchored to a permanent foundation system to resist flotation, collapse, or lateral movement, and shall be elevated so that the lowest floor is at or above the base flood elevation, unless a higher elevation is required by the Chief of Building and Zoning.

B. Construction Material and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. Require within Zones AH, AO or VO, adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing.

1. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation, unless a higher elevation is required by the Chief of Building and Zoning. Nonresidential structures may meet the standards in subsection 3. below. Upon the completion of the structure the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor, or verified by the building inspector to be properly elevated. Such certification or verification shall be provided to the Chief of Building and Zoning.
2. New construction and substantial improvement of any structure in Zone AO or VO shall have the lowest floor, including basement, elevated at least as high as the depth number specified in feet on the FIRM, or at least two feet above the highest adjacent grade if no depth number is specified. Nonresidential structures may meet the standards in subsection 3. below. Upon the completion of the structure the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the building inspector to be properly elevated. Such certification or verification shall be provided to the Chief of Building and Zoning.

3. Nonresidential construction shall either be elevated in conformance with subsection 2. above or, together with attendant utility and sanitary facilities, shall:
 - a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects for buoyancy; and
 - c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Chief of Building and Zoning.
 4. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or
 - b. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration.
 5. Manufactured homes shall also meet the standards in subsection A.2. above.
- D. Utilities.
1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
 2. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- E. Subdivision Proposals.
1. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.
 2. All final subdivision plans shall provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the Chief of Building and Zoning.
 3. All subdivision proposals shall be consistent with the need to minimize flood damage.

4. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
5. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.170 Coastal High Hazard Areas.

Within coastal high hazard areas established pursuant to Section 22.24.060, the following standards shall apply:

- A. All new construction and substantial improvements shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood elevation, unless a higher elevation is required by the Chief of Building and Zoning.
- B. All new construction and substantial improvements shall have the space below the lowest floor free of obstructions or constructed with breakaway walls. Such temporarily enclosed space shall not be used for human habitation or storage.
- C. Fill shall not be used for structural support of buildings.
- D. Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
- E. The Chief of Building and Zoning shall obtain and maintain the following records:
 1. Certification by a registered engineer or architect that a proposed structure complies with subsection A above.
 2. The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement. (Ord. 4522, 1988; Ord. 3972, 1978.)

22.24.180 Floodways.

Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply to floodways.

- A. No encroachments, including fill, new construction, substantial improvements, and other development are permitted unless a registered professional engineer or architect certifies that the development will not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If subsection A above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 22.24.160 and 22.24.170.
- C. No mobile homes may be placed in any floodway, except in a mobile home park or mobile home subdivision established prior to the effective date of this Chapter. (Ord. 4522, 1988; Ord. 3972, 1978.)

CHAPTER 22.80

WATER CONSERVATION STANDARDS

Sections:

22.80.010 Plumbing Standards for Water Conservation

22.80.020 Water Conservation Landscape Design Standards

22.80.010 Plumbing Standards for Water Conservation.

Plumbing standards for water conservation shall be as contained in the Uniform Plumbing Code as adopted and amended by the City of Santa Barbara in Chapter 22.04 of this Code. (Ord. 4558, 1989.)

22.80.020 Water Conservation Landscape Design Standards.

Each development proposal that is subject to the review of the Architectural Board of Review or the Historic Landmarks Commission shall be required to comply with the City's Water Conservation Landscape Design Standards as adopted by resolution of the City Council. Each development proposal not subject to such review shall comply with such other water conservation landscape requirements as may be adopted by the City Council. (Ord. 4847, 1994; Ord. 4558, 1989)

Chapter 22.68

ARCHITECTURAL BOARD OF REVIEW

Sections:

- 22.68.010 Created - Purpose
- 22.68.020 Membership
- 22.68.030 Officers - Quorum
- 22.68.040 Applicability
- 22.68.045 Exceptions
- 22.68.050 Environmental Review
- 22.68.060 Neighborhood Preservation Ordinance Findings
- 22.68.065 Architectural Board of Review Notice and Hearing
- 22.68.070 Architectural Board of Review Referral to Planning Commission
- 22.68.080 Appeal from ABR to Council - Notice and Hearing
- 22.68.090 Fees
- 22.68.100 Issuance of Permits
- 22.68.110 Special Design Districts
- 22.68.115 Special Design District – Lower Riviera Survey Area (Bungalow District)
- 22.68.120 Signs
- 22.68.130 Approval of Plans for Buildings, or Structures, on City Lands
- 22.68.140 Disqualification of Members for Interest in Buildings

22.68.010 Created - Purpose.

An Architectural Board of Review is hereby created and established for the City to promote the general public welfare of the City and to protect and preserve the natural and historical charm and beauty of the City and its aesthetic appeal and beauty. (Ord. 3757 §35, 1975; Ord. 3646 §1, 1974.)

22.68.020 Membership.

The Architectural Board of Review shall be composed of nine (9) members to be appointed as provided in the charter. At least two (2) members of such Board shall be licensed architects, practicing their profession in the City, at least two (2) members of such Board shall be licensed landscape architects, practicing their profession in the City, and at least three (3) other members shall possess professional qualifications in related fields, including, but not limited to, building design, structural engineering or industrial design. These members shall serve without compensation and shall hold office at the pleasure of the appointive power. (Ord. 5050, 1998; Ord. 3792 §1, 1975; Ord. 3646 §1, 1974.)

22.68.030 Officers - Quorum.

The members of the Architectural Board of Review shall elect from their own members a chairman and vice-chairman. The Community Development Director or his assistant or deputy shall act as secretary and record Board action and render written reports thereof for the Board as required by this Chapter. The Board shall adopt its own rules of procedure. Four (4) members shall constitute a quorum, one (1) of which shall be an architect. (Ord. 4701, 1991; Ord. 3792 §1, 1975; Ord. 3646 §1, 1974.)

22.68.040 Applicability.

- A. **BUILDING PERMITS - NONRESIDENTIAL, MULTIPLE RESIDENTIAL, TWO OR MORE STORY DUPLEX, TWO OR MORE DETACHED RESIDENTIAL UNITS AND MIXED USE.** Except for properties located within El Pueblo Viejo Landmark District or another landmark district, and except for designated Landmarks, Structures of Merit, and properties on the City's Potential Historic Resources List [see Chapter 22.22], all applications for building permits to erect or alter the exterior of a non-residential, multiple residential, two or more story duplex or mixed use (residential and non-residential) building or structure, or which will result in two or more detached residential units on one lot, shall be referred to the Architectural Board of Review for review.
- B. **BUILDING PERMITS - SINGLE-RESIDENTIAL AND ONE-STORY DUPLEX UNITS, NEIGHBORHOOD PRESERVATION.** Except for properties located within El Pueblo Viejo Landmark District or another landmark district, and except for designated Landmarks, Structures of Merit, and properties on the City's Potential Historic Resources List [see Chapter 22.22], applications for building permits to erect or alter the exterior of a single residential or one-story duplex building or structure shall be referred to the Architectural Board of Review for review if:
 - 1. Any portion of the lot or lots is in a special design district described in Section 22.68.110; or
 - 2. All new, and all additions to existing single-residential and one-story duplexes, garages, and accessory structures on the lot will result in a combined floor area in excess of four thousand (4,000) square feet or a floor area to lot area ratio of thirty-five percent (35%) or greater; or

3. All additions, demolition and replacement, remodel or reconstruction projects which will result in an increase in the combined floor area of all structures on the site of more than fifty percent (50%) above the combined floor area of all structures constructed pursuant to valid building permits, existing on the site as of July 1, 1992.
 4. Notwithstanding any other provision of this Code, an accessory dwelling unit being constructed on an R-2 lot pursuant to the authority of Santa Barbara Municipal Code Section 28.18.075(E).
- C. **GRADING AND VEGETATION REMOVAL PERMITS.** All applications for grading permits involving grading and all vegetation removal permits on a lot or lots located within a Special Design District described in Section 22.68.110, shall be referred to the Architectural Board of Review or the Historic Landmarks Commission for review, as applicable. In order to approve any grading or vegetation removal permit, the Architectural Board of Review or Historic Landmarks Commission must find, in addition to the findings in Section 22.68.060, that the proposed grading or vegetation removal permit:
1. Will result in no significant increase in siltation or decrease in water quality of streams, drainages or water storage facilities to which the property drains; and
 2. Will result in no substantial loss of southern oak woodland habitat; and
 3. Is in compliance with all applicable provisions of Chapter 22.10, Vegetation Removal, of this Code.
- D. **GRADING PLANS.** All subdivision grading plans involving grading on a lot or lots located within a Special Design District described in Section 22.68.110, shall be referred to the Architectural Board of Review or the Historic Landmarks Commission for review, as applicable.
- E. **EXTERIOR COLOR.** Any change of the exterior color of a non-residential building or a residential project with more than two residential units which is subject to the review of the Architectural Board of Review for another alteration, shall be referred to the Architectural Board of Review for review of exterior color.
- F. **OUTDOOR LIGHTING.** Any change of, or addition to the outdoor lighting of any building or property subject to review by the Architectural Board of Review shall comply with Chapter 22.75 and with the Outdoor Lighting Design Guidelines.
- G. **HIGHWAY 101 IMPROVEMENTS.** Improvements to Highway 101 or appurtenant highway structures which require a Coastal Development Permit pursuant to Municipal Code Section 28.45.009 and which are located within the Highway 101 Santa Barbara Coastal Parkway Special Design District as defined by Municipal Code Section 22.68.110 shall be referred to the Architectural Board of Review for review, except for improvements to those portions of Highway 101 and its appurtenant structures that are located within the El Pueblo Viejo Landmark District subject to review pursuant to SBMC §22.22.140(B).
- H. **SUBMITTAL REQUIREMENTS.** Applications for review by the Architectural Board of Review shall be made in writing in such form as is approved by the Director of Community Development. Submittal

requirements shall be established subject to approval by the Community Development Director. (Ord. 5333, 2004; Ord. 5271, 2003; Ord. 5035, 1997; Ord. 4995, 1996; Ord. 4940, 1996; Ord. 4878, 1994; Ord. 4849, 1994; Ord. 4768, 1992; Ord. 4725, 1991; Ord. 4701, 1991; Ord. 4076, 1980; Ord. 4040, 1980; Ord. 3835, 1976; Ord. 3646 §1, 1974.)

22.68.045 Exceptions.

- A. **ADMINISTRATIVE APPROVAL.** Minor design alterations specified in the ABR Design Guidelines may be approved as a ministerial action by the Community Development Director or his/her representative without review by the Architectural Board of Review. The Community Development Director or his/her representative shall have the authority and discretion to refer any minor design alteration to the Architectural Board of Review if the alteration has the potential to have an adverse effect on the architectural integrity of the building, structure or surrounding property. Designated City Landmarks and Structures of Merit are not eligible for administrative approvals.
- B. **EXCEPTIONS TO REVIEW BY THE ARCHITECTURAL BOARD OF REVIEW IN THE HILLSIDE DESIGN DISTRICT.** One-family and one-story two-family structures in the Hillside Design District will not be subject to review and approval by the Architectural Board of Review if:
 - 1. The average slope of the building site and the entire property is less than twenty percent (20%); and
 - 2. The project will involve no more than 250 cubic yards of grading beyond the footprint of the main building; and
 - 3. The project will not exceed the criteria outlined in Paragraphs 22.68.040.B.2 and B.3 above. If the project does exceed the criteria pursuant to Paragraphs 22.68.040.B.2 and B.3, it may be eligible for an exception pursuant to Paragraph 22.68.045.C below.
- C. **EXCEPTIONS TO REVIEW BY THE ARCHITECTURAL BOARD OF REVIEW FOR PROJECTS NOT SUBJECT TO THE SPECIAL DESIGN DISTRICTS.** A one-family or one-story two-family structure will not be subject to review and approval by the Architectural Board of Review if it is not subject to review due to its location within a Special Design District and:
 - 1. The project does not exceed one story and a basement with a maximum building height of seventeen (17) feet measured from natural grade; or
 - 2. The project results in a total combined floor area, including the existing and proposed dwelling, garage and accessory buildings, of two thousand five hundred (2500) square feet or less; or
 - 3. The project meets the criteria in Subsection 22.68.040.B above, and meets all of the following criteria:
 - a. No approvals by the City Council, Planning Commission or Modification Hearing Officer will be needed in order to build the house or the addition.
 - b. The project will be designed in a single architectural style. In determining single architectural style, the following elements shall

be taken into consideration: roof pitch and materials, window and door style and materials, window proportions and exterior colors and materials.

- c. A minimum of seventy-five percent (75%) of the length of each exterior wall of the second story on a new house or a second story addition to an existing house will be set back a minimum of one and one-half times the required interior yard setback, not including uncovered decks or balconies, for all interior yards. Rear yards in the R-3 and R-4 zones are excluded.
- d. The new house or the addition will not exceed 25 feet in height above natural grade at any point, exclusive of architectural elements such as chimneys, vents, antennae and towers that do not add floor area to the building. All portions of the roof are included in the building height.
- e. No portion of the building will cantilever beyond the face of the structure below by more than four feet (4').
- f. All new site retaining walls will either i) be less than forty-two inches (42") in height; or ii) will not exceed six feet (6') in height, will be faced with sandstone, fieldstone, slumpstone, adobe or similar natural-appearing materials and the total length of all retaining walls on the site, not including those that are part of buildings, will not exceed 150 feet.
- g. There will be no more than 250 cubic yards of grading (cut and/or fill) outside the footprint of the building(s).
- h. No specimen tree, skyline tree, designated Historic or Landmark tree, or oak tree with a diameter of four inches (4") or more at four feet (4') above natural grade, will be removed.

D. **REBUTTABLE PRESUMPTION.** There is a rebuttable presumption that any grading, construction of retaining walls or removal of trees which occurs within two years prior to submittal of an application for a building permit or for review by the Architectural Board of Review to erect or alter a one-family or one-story two-family structure or related accessory structures was done in anticipation of such application and said activities will be included in determining whether or not the exceptions in Subsections 22.68.045.A and B above are applicable to the project. (Ord. 4892, 1994; Ord. 4768, 1992.)

22.68.050 Environmental Review.

Prior to being approved by the Architectural Board of Review, all applications for building, vegetation removal and grading permits and all subdivision grading plans covered by this Chapter shall first be processed through the environmental review procedure pursuant to the guidelines adopted by the City to implement the California Environmental Quality Act. (Ord. 4878, 1994; Ord. 4701, 1991; Ord. 3646 §1, 1974.)

22.68.060 Neighborhood Preservation Ordinance Findings.

The Architectural Board of Review shall find that all of the following criteria are met prior to approving any application subject to review because it satisfies the Neighborhood Preservation applicability standards of Chapter 22.68 Subsection 22.68.040.B or the property is located within the Hillside Design District [see

Subsection 22.68.110.A.2 of Chapter 22.68]. Findings are not required if the application satisfies an exception per Chapter 22.68 Subsection 22.68.045.B or C.

- A. The public health, safety and welfare will be protected.
- B. The grading and development will be appropriate to the site, have been designed to avoid visible scarring, and will not significantly modify the natural topography of the site or the natural appearance of any ridgeline or hillside.
- C. The project will, to the maximum extent feasible, preserve and protect any native or mature trees with a minimum trunk diameter of four inches (4") measured four feet (4') from the base of the trunk. Any specimen tree, skyline tree, or oak tree with a diameter of four inches (4") or more at four feet (4') above natural grade that must be removed will be replaced on a one-to-one basis, at a minimum. Designated Specimen, Historic and Landmark trees will not be removed.
- D. The development will be consistent with the scenic character of the City and will enhance the appearance of the neighborhood.
- E. The development will be compatible with the neighborhood, and its size, bulk, and scale will be appropriate to the site and neighborhood.
- F. The development will preserve significant public scenic views of and from the hillside. (Ord. 4995, 1996; Ord. 4768, 1992; Ord. 4725, 1991.)

22.68.065 Architectural Board of Review Notice and Hearing.

- A. **PUBLIC HEARING.** The Architectural Board of Review shall hold a public hearing prior to taking action on any project described in Paragraph B of this Section. Not less than ten calendar days before the date of the public hearing, the City shall cause notice of the right to appear and be heard; the date, time and place of the hearing; the location of the property; and the nature of the request to be sent by first class mail to the applicant and to the current record owner of any lot, or any portion of a lot, which is located not more than one hundred feet from the exterior boundaries of the lot which is the subject of the action.

Whenever a project requires another land use action by Council or by an Advisory Board or Commission, the mailed notice of hearing for the earliest final action will contain information sufficient to satisfy the notice requirements of this Section, and in those cases notice of each hearing will not be separately mailed.

- B. **PROJECTS THAT REQUIRE PUBLIC HEARING.** Projects which must be preceded by a public hearing prior to Architectural Board of Review action are:
 - 1. New single residential units or one story duplex units,
 - 2. Additions of over 500 square feet or a new story to a single residential unit or one story duplex unit,
 - 3. New multi-unit residential buildings or two story duplex units,
 - 4. Additions of over 500 square feet or changes resulting in an additional residential unit in a multi-unit residential building,

5. Small non-residential additions as defined in Chapter 28.87,
6. Projects involving substantial grading or exterior lighting, or
7. Projects that would not otherwise require mailed notice and that in the judgment of the Architectural Board of Review or the Community Development Director could result in a significant or substantial deprivation of private property rights of other landowners.

C. **PIECEMEAL PROJECTS REQUIRE HEARING.** All applications for grading permits, building permits, or any other permit for the same site, if submitted to the City within two years of any prior application date, are included in the calculations to determine whether a project meets the criteria in Subsection B of this Section. (Ord. 4995, 1996.)

22.68.070 Architectural Board of Review Referral to Planning Commission.

- A. **PLANNING COMMISSION APPROVAL.** Applications for residential development covered by this Chapter shall be reviewed and approved, disapproved or conditionally approved by the Planning Commission, in accordance with any standards set forth by Council Resolution, prior to final Architectural Board of Review action on the application whenever:
1. The project requires the preparation of an environmental impact report ("EIR") pursuant to the California Environmental Quality Act; or
 2. Any portion of the site is located within the Hillside Design District and the floor area of all existing and proposed structures exceeds a cumulative total of six thousand five hundred (6,500) square feet; or
 3. Any portion of the site is located within the Hillside Design District and the amount of grading exceeds five hundred (500) cubic yards of grading (cut and/or fill) on the lot excluding grading necessary for the building foundation for the main buildings.

The Planning Commission shall find that the criteria set forth in Section 22.68.060 are met prior to approving any application reviewed under this Subsection.

- B. **PLANNING COMMISSION COMMENTS.** When the Architectural Board of Review determines that a project is proposed for a site which is highly visible to the public, the Board may, prior to taking final action on the application, require presentation of the application to the Planning Commission solely for its comments to the Architectural Board of Review.
- C. **PLANNING COMMISSION NOTICE AND HEARING.** The Planning Commission, or the City Council on appeal, shall hold a public hearing prior to taking any action on a project subject to its review and approval or comments under this Section. Not less than ten calendar days before the date of the public hearing, the City shall cause notice of the right to appear and be heard; the date, time and place of the hearing; the location of the property; and the nature of the request to be sent by first class mail to the current record owner of any lot, or any portion of a lot, which is located not more than four hundred fifty feet (450') from the exterior boundaries of the lot which is the subject of the action. (Ord. 4995, 1996; Ord. 4849, 1994; Ord. 4768, 1992; Ord. 4725, 1991.)

22.68.080 Appeal from ABR to Council - Notice and Hearing.

- A. **PROCEDURE FOR APPEAL.** Any action of the Board taken under Section 22.68.040 may be appealed to the City Council by the applicant or any interested person.
1. Every appeal shall be in writing, shall state reasons for the appeal, and shall be filed with the City Clerk within ten (10) days after the meeting at which the action was taken.
 2. At its next regular meeting for which an agenda has not been finalized at the time the appeal is filed, the City Council shall set a date for a public hearing thereon, allowing sufficient time for all review bodies to complete their review before hearing the appeal.
 3. Not less than ten calendar days before the date of the public hearing, the City shall cause notice of the right to appear and be heard; the date, time and place of the hearing; the location of the property; and the nature of the request, to be published at least once in a newspaper of general circulation within the City, and to be sent by first class mail to the applicant, the appellant, and the current record owner of any lot, or any portion of a lot, which is located not more than one hundred feet (100') from the exterior boundaries of the lot which is the subject of the action.
 4. A public hearing on the appeal shall be held on the date designated, unless continued, at which any interested party shall be provided a reasonable opportunity to be heard. The City Council may take such action on the appeal as it deems appropriate. The action of the City Council shall be final.
- B. **FEE FOR APPEAL.** At the time of filing an appeal, the appellant shall pay a fee in the amount established by resolution of the City Council. (Ord. 4995, 1996; Ord. 4701, 1991; Ord. 3944, 1978; Ord. 3646 §1, 1974.)

22.68.090 Fees.

No application required to be referred to the Architectural Board of Review shall be considered complete and no appeal of the Board's decision shall be considered complete unless accompanied by the application fee or appeal fee in the amount established by resolution of the City Council. (Ord. 3955 §6, 1978; Ord. 3646 §1, 1974.)

22.68.100 Issuance of Permits.

No building or grading permit, nor approval of a subdivision grading plan, the application for which is subject to the review of the Architectural Board of Review or the Historic Landmarks Commission pursuant to this Chapter, shall be issued without the approval of the Board or the Commission, or, on appeal, by the City Council. (Ord. 4849, 1994; Ord. 3646 §1, 1974.)

22.68.110 Special Design Districts.

A. **DISTRICT IDENTIFICATION.** The following are identified as Special Design Districts:

1. **MISSION AREA SPECIAL DESIGN DISTRICT.** All real property located within one thousand feet (1000') of Part II of El Pueblo Viejo Landmark District, as legally described in Section 22.22.100(b).

2. **HILLSIDE DESIGN DISTRICT.** All real property within the Hillside Design District as delineated on the maps labeled "Hillside Design District" which is part of this Code and is shown at the end of this Chapter. All notations, references, and other information shown on said map are incorporated herein and made a part hereof. The entirety of any annexation shall become a part of the Hillside Design District upon annexation.
3. **HIGHWAY 101 SANTA BARBARA COASTAL PARKWAY SPECIAL DESIGN DISTRICT.** All real property within the State owned or leased right-of-way of Highway 101 and all City owned or leased right-of-way which intersects Highway 101 within the S-D-3 Coastal Overlay Zone (SBMC §28.45.009).
4. **LOWER RIVIERA SURVEY AREA - BUNGALOW DISTRICT.** All real property within "Lower Riviera Survey Area – Bungalow District" as shown on the map labeled as such and appended to the end of this Chapter – hereinafter referred to as the "Bungalow District." (Ord. 5333, 2004; Ord. 4940, 1996; Ord. 4768, 1992; Ord. 4725, 1991; Ord. 3646 §1, 1974.)

22.68.115 Special Design District – Lower Riviera Survey Area (Bungalow District).

- A. **SPECIAL DESIGN DISTRICT AREA MAP – LOWER RIVIERA SURVEY AREA - BUNGALOW DISTRICT.** All applications for a building permit for improvements on real property within the special R-3 zone design district known as the "Lower Riviera Survey Area - Bungalow District" established pursuant to SBMC Section 22.68.110 shall be subject to the design review provision of this Section.
- B. **REVIEW OF BUILDING PERMIT APPLICATIONS.** An application for a building permit to alter a structure located within the Bungalow District shall be referred to the Community Development Director for review to determine if the application constitutes a project to demolish the structure. For the purposes of this Section, a "demolition" shall be as defined in subparagraph (K) of Santa Barbara Municipal Code Section 22.22.020. Such a determination shall be made in writing within thirty (30) days of the date of the original application. If the Community Development Director determines that the application does constitute an application to demolish the structure, such application shall be referred to the City's Architectural Board of Review for review by the Board in accordance with the requirements of this Section. If the Community Development Director determines that the application does not constitute a demolition under the terms of this Section, the building permit shall be issued upon compliance with the otherwise applicable requirements of this Code for appropriate and required design and development review.
- C. **REVIEW OF DEMOLITION APPLICATIONS BY THE ABR.** An application referred to the Architectural Board of Review pursuant to Subsection B above shall be reviewed by the ABR in accordance with the hearing, noticing, and appeal procedures established in SBMC Sections 22.68.065 and 22.68.080. An application referred to the Architectural Board of Review pursuant to Subsection B above shall not be approved unless the Architectural Board of Review makes all of the following findings with respect to that application:
 1. That the demolition will not result in the loss of a structure containing a

primary feature or features of Bungalow or Arts and Crafts style residential architecture, which features are worthy of or appropriate for historical preservation;

2. That the demolition will not result in the loss of a structure which, although not eligible as a City Historic Resource, is a prime example of the Bungalow or Arts and Crafts style residential building appropriate for historical preservation;
3. That the demolition will not result in the loss of a structure which is prominent or which is a prime example of the Bungalow or Arts and Crafts style residential architecture for which this neighborhood is characterized or known.

- D. **ABR CONDITIONAL APPROVAL OF DEMOLITION WITHIN THE BUNGALOW DISTRICT.** Notwithstanding the above-stated requirement for appropriate demolition findings, the ABR may approve a demolition application within the Bungalow District if the ABR conditions the demolition permit such that any proposed future development of the real property upon which the structure or structures are located must comply with express conditions of approval designed to preserve certain existing architectural features or buildings, as determined appropriate by the ABR.

Such conditions may provide that any future development of the property involved must either incorporate the existing structures, in whole or in part, into the new development, or it must preserve certain features or aspects of the existing structures or of the site such that these features are incorporated into any future development of the real property, either through the preservation of the building or feature or its replication in the new development, as may be determined appropriate by the ABR.

Such conditions of approval shall be prepared in written format acceptable to the Community Development Director and the City Attorney and shall be recorded in the official records of Santa Barbara County with respect to the involved real property such that these conditions shall be binding on all future owners of the real property as conditions imposed on any new development for a period of twenty (20) years after the conditional approval of the original demolition application and the completion of the demolition.

- E. **REVIEW OF NEW DEVELOPMENT WITH BUNGALOW DISTRICT BY ARCHITECTURAL BOARD OF REVIEW.** Any application for a new structure or development within the Bungalow District, in addition to whatever form of City design review may be necessitated by other provision of this Code, shall also be referred to the Architectural Board of Review for development plan review and approval in accordance with the public hearing, noticing and appeal requirements of SBMC Section 22.68.065 and 22.68.080, provided that the property owner/applicant may be required to submit those development plan materials deemed necessary for full and appropriate review by the ABR prior to the ABR hearing.

The ABR shall not approve a new development within the Bungalow District unless it makes both of the following findings:

1. Express conditions of approval have been imposed on the proposed development which appropriately incorporate the existing structures or architectural features or other aspects of these structures (or of the site involved) into the new development, or these structures, features or

aspects will be appropriately replicated in the new development;

2. The proposed development will not substantially diminish the unique architectural style and character of the Bungalow District as a residential neighborhood of the City.

F. **GUIDELINES FOR SPECIAL DESIGN DISTRICT.** Within 180 days of the adoption of the ordinance approving the codification of this Section, the City Council, acting by resolution and after consultation with the ABR, the Historic Landmarks Commission (the "HLC"), and the Planning Commission, shall review and approve design and preservation guidelines intended for the purposes of defining and thereafter preserving the unique character and style of the Bungalow District neighborhood, which neighborhood guidelines shall thereafter provide direction and appropriate guidance to the ABR, the HLC, and the Planning Commission and City staff in connection with the review of applications filed pursuant to this Section. (Ord. 5333, 2004.)

22.68.120 Signs.

Application for sign permits shall be considered by the Architectural Board of Review only upon an appeal filed pursuant to Section 22.70.050.9 of this Code. (Ord. 4101, 1981; Ord. 3646 §1, 1974.)

22.68.130 Approval of Plans for Buildings, or Structures, on City Lands.

No building or structure shall be erected upon any land owned or leased by the City, or allowed to extend over or upon any street, or other public property, unless plans for the same and the location thereof shall first have been submitted to the Architectural Board of Review or the Historic Landmarks Commission, as applicable, for its approval. (Ord. 4849, 1994; Ord. 4701, 1991; Ord. 3646 §1, 1974.)

22.68.140 Disqualification of Members for Interest in Buildings.

Any member of the Architectural Board of Review who shall be employed to execute a building or structure of any kind requiring the approval of the Architectural Board of Review or who shall take part in competition for any such building or structure shall be disqualified from voting thereon, and in such instance the Architectural Board of Review may at its discretion invite an expert to advise with it thereon but not at the expense of the City. (Ord. 3646 §1, 1974.)

TITLE 28

The Zoning Ordinance

28.87.250 Development Along Creeks.

1. **Legislative Intent.** The purpose of this Section is to provide controls on development adjacent to the bed of Mission Creek within the City of Santa Barbara. These controls are necessary:
 - a. to prevent undue damage or destruction of developments by flood waters;
 - b. to prevent development on one parcel from causing undue detrimental impact on adjacent or downstream properties in the event of flood waters;
 - c. to protect the public health, safety and welfare.
2. **Limitation on Development.** No person may construct, build, or place a development within the area described in Subsection 28.87.250.3 unless said development has been previously approved as provided in Subsection 28.87.250.5.
3. **Land Area Subject to Limitation.** The limitations of this Section shall apply to all land within the banks and located within twenty-five (25) feet of the top of either bank of Mission Creek within the City of Santa Barbara.

"Top of bank" means the line formed by the intersection of the general plane of the sloping side of the watercourse with the general plane of the upper generally level ground along the watercourse; or, if the existing sloping side of the watercourse is steeper than the angle of repose (critical slope) of the soil or geologic structure involved, "top of bank" shall mean the intersection of a plane beginning at the toe of the bank and sloping at the angle of repose with the generally level ground along the watercourse. The angle of repose is assumed to be 1.5 (horizontal) : 1 (vertical) unless otherwise specified by a geologist or soils engineer with knowledge of the soil or geologic structure involved.

"Toe of bank" means the line formed by the intersection of the general plane of the sloping side of the watercourse with the general plane of the bed of the watercourse.

4. **Development Defined.** Development, for the purposes of this Section, shall include any building or structure requiring a building permit; the construction or placement of a fence, wall, retaining wall, steps, deck (wood, rock, or concrete), or walkway; any grading; or, the relocation or removal of stones or other surface which forms a natural creek channel.
5. **Approval Required.** Prior to construction of a development in the area described in Subsection 28.87.250.3, the property owner shall obtain approvals as follow:
 - a. Any development subject to the requirement for a building permit shall be reviewed and approved by the Chief of Building and Zoning or the Planning Commission on appeal prior to the issuance of a building permit.
 - b. Any development not requiring a building permit shall be reviewed and approved by the Chief of Building and Zoning or his designated representative or the Planning Commission on appeal. A description of the

development shall be submitted showing the use of intended development, its location, size and manner of construction.

6. **Development Standards.** No development in the area subject to this Section shall be approved unless it is found that it will be consistent with the purposes set forth in Subsection 28.87.250.1.
 - a. The Chief of Building and Zoning or the Planning Commission on appeal shall consider the following in determining whether the development is consistent with Subsection 28.87.250.1:
 - (1) That the proposed new development will not significantly reduce existing floodways, re-align stream beds or otherwise adversely affect other properties by increasing stream velocities or depths, or by diverting the flow, and that the proposed new development will be reasonably safe from flow-related erosion and will not cause flow-related erosion hazards or otherwise aggravate existing flow-related erosion hazards.
 - (2) That proposed additions, alterations or improvements comply with Subsection a(1) above.
 - (3) That proposed reconstruction of structures damaged by fire, flood or other calamities will comply with Subsection a(1) above, or be less nonconforming than the original structure and will not adversely affect other properties.
 - (4) The report, if any, of a qualified soils engineer or geologist and the recommendations of the Santa Barbara County Flood Control and Water Conservation District.

28.90.050 Landscaping and Lighting.

3. **PERIMETER PLANTERS.** Where such parking areas and/or driveways abut a street, a planting area at least five (5) feet in depth shall be provided and an ornamental wall or fence three-and-one-half (3-1/2) feet in height shall be provided, except if the planting area is eight (8) feet or greater in depth and suitable screen planting is provided, the ornamental fence or wall may be omitted. Where parking areas or driveways abut a neighboring building or a property line not adjoining a street, a planting area at least five (5) feet in depth shall be provided. The Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark, may reduce or waive the requirement regarding the five (5) foot planting area where alternative landscaping and designs are presented that result in landscaping and designs that are equally effective.

SECTION J111 NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) COMPLIANCE

J111.1 General. All grading plans and permits shall comply with the provisions of this section for NPDES compliance including the owner of any property on which grading has been performed and which requires a grading permit under Section J103.

J111.2 Erosion/Sedimentation Control Plan (ESCP). No grading permit shall be issued unless the plans for such work include a Erosion/Sedimentation Control Plan, that conforms to the Erosion/Sedimentation Control Policy of the City of Santa Barbara's Building & Safety Division, with details of best management practices, including desilting basins or other temporary drainage or control measures, or both, as may be necessary to control construction-related pollutants which originate from the site as a result of construction related activities. Sites which have been graded and which requires a grading permit under Section J103 are subject to penalties and fines per Section J111.4

All best management practices shall be installed before grading begins. As grading progresses, all best management practices shall be updated as necessary to prevent erosion and control constructed related pollutants from discharging from the site. All best management practices shall be maintained in good working order to the satisfaction of the Building Official unless final grading approval has been granted by the Building Official and all permanent drainage and erosion control systems, if required, are in place.

J111.4 Erosion/Sedimentation Control Plan, Effect of Noncompliance. Should the owner fail to install the best management practices required by Section J111.2 it shall be deemed that a default has occurred under the conditions of the grading permit security. There upon, the Building Official may enter the property for the purpose of installing, by City forces or by other means, the drainage, erosion control and other devices shown on the approved plans, or if there are no approved plans, as the Building Official may deem necessary to protect adjoining property from the effects of erosion, flooding, or the deposition of mud, debris or constructed related pollutants, or the Building Official may cause the owner to be prosecuted as a violator of this Code or may take both actions. The Building Official shall have the authority to collect the penalties imposed by this section upon determining that the site is non-compliance. Payment of penalty shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work.

If the best management practices for storm water pollution prevention are not installed as prescribed in Section J111.2 and approved by the Building Official, the following penalties shall be imposed:

Grading Permit Volume Penalty:

1--10,000 cubic yards (1--7645.5 m³) = \$100.00 per day

10,001--100,000 cubic yards (7646.3--76455 m³) = \$250.00 per day

More than 100,000 cubic yards (76455 m³) = \$500.00 per day

NOTE: See Section J108 for inspection request requirements.